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George Bancroft

Laws













# LAWS

OF THE

COLONIAL AND STATE GOVERNMENTS,

RELATING TO

**INDIANS AND INDIAN AFFAIRS,**

FROM 1633 TO 1831, INCLUSIVE:

WITH

**AN APPENDIX**

CONTAINING THE PROCEEDINGS OF THE CONGRESS  
OF THE CONFEDERATION.

AND THE

**LAWS OF CONGRESS,**

FROM 1800 TO 1830, ON THE SAME SUBJECT.

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## PREFACE.

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The work now presented to the public will, it is believed, supply an important desideratum in our history. The relations in which the several aboriginal nations, whose remnants are now within the limits of the United States, stood to the European discoverers of this continent; to the governments founded by the powers of which those discoveries were subjects; and to the government resulting from the war of Independence; are obvious and primary objects of attention in all investigations on the extensive subject of Indian affairs. Without constant reference to these topics, neither the legislator who desires that the policy of the federal government towards the Indians should be wise and equitable, nor the historical inquirer whose object is the ascertainment of truth, can reasonably expect success.

The first point in the Indian relations to which we have adverted, is, perhaps, sufficiently illustrated by the discussions, legislative and judicial, to which recent events in our country have given rise. To the proper understanding of the two other points, the present publication will be found to contribute in no small degree.

No pains have been spared to collect the several laws of the colonial legislatures, the states and the federal government, in relation to the Indians; but, of course, from the nature of the undertaking, the result has not been in every instance satisfactory. The acts of Massachusetts given in this volume, embrace a period of one hundred and ninety-six years, from 1633 to 1829; those of Connecticut, one hundred and forty-nine years, from 1672 to 1821; those of Rhode Island, one hundred and fifty-nine years, from 1663 to 1822; those of Maine, five years, from 1821 to 1826; those of New York, fifty-four years, from 1777 to 1831; those of New Jersey, one hundred and eighteen years, from 1703, to 1821; those of Pennsylvania, seventy-four years, from 1700 to 1774; those of Maryland, ninety-four years, from 1704 to 1798; those of Virginia, one hundred and seventy years, from 1658 to 1828; those of North Carolina, one hundred and fourteen years, from 1715 to 1829; those of South Carolina, seventy-seven years, from 1739 to 1816; those of Georgia, fifty-seven years, from 1774 to 1831; those of Tennessee, thirteen years, from 1794 to 1807; those of



Ohio, about one year, from 1809 to 1810; those of Indiana, twenty-four years, from 1807 to 1831; those of Illinois, one year, from 1813 to 1814; those of Alabama, nine years, from 1820 to 1829; and those of Florida territory, four years, from 1827 to 1831.

Of New Hampshire, we are able to give but one law, that passed in 1715; only one of Kentucky, the act of 1810; only one of Mississippi, the act of 1830; and only one of Missouri, the act of 1824.

We have placed in an Appendix, the proceedings of Congress under the old Confederation, on the Indian subject. The period thus occupied, is thirteen years, from 1775 to 1788.

The remaining and easiest part of our enterprise, has been the compilation of the Laws of the United States, relating to Indians and Indian affairs.

The controversy during the last few years between the state of Georgia and a portion of the Indians, has rendered the question of their rights and relations, one of the first magnitude in the policy of the United States. It will probably retain this distinction, until all the Indian tribes shall have perished, or have become merged in communities of civilized man; and even after such events, it will continue a permanent topic of historical interest. The notice already taken of the contents of the present volume, supersedes the necessity of enlarging on its capacity to assist researches on that subject, whether undertaken with a view to legislative action or speculative inquiry. In the execution of a task, exacting the use of materials widely diffused and not always readily accessible, some errors and omissions may probably be discovered. Trusting that any such will be ascribed to their true causes, the novelty and the nature of the work, we have only now to add an assurance, that the utmost diligence has been exerted to render it accurate and complete.

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**LAWS**  
OF THE  
**COLONIAL AND STATE GOVERNMENTS,**  
RELATING TO  
**THE INDIANS AND INDIAN AFFAIRS.**

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**MASSACHUSETTS.—1633—1672.**

For settling the Indians' title to lands in this jurisdiction.

*It is declared and ordered by this Court, and authority thereof, That what lands any of the Indians in this jurisdiction have possessed and improved, by subduing the same, they have just right unto, according to that in Gen. 1. 28, and Chap. 9. 1, and Psal. 115, 16.*

Massachusetts  
1633—1672.

And for the further encouragement of the hopeful work amongst them, for the civilizing and helping them forward to Christianity, if any of the Indians shall be brought to civility, and shall come among the English to inhabit, in any of their plantations, and shall there live civilly and orderly, that such Indians shall have allotments amongst the English, according to the custom of the English in like case.

*Further it is ordered,* That if, upon good experience, there shall be a competent number of the Indians brought on to civility, so as to be capable of a township upon their request to the General Court, they shall have grant of lands undisposed of, for a plantation, as the English have.

*And further it is ordered by this Court,* That if any plantation or person of the English, shall offer injuriously to put any of the Indians from their planting grounds, or fishing places, upon their complaint, and proof thereof, they shall have relief in any of the Courts of Justice amongst the English, as the English have.

*And further it is ordered by this Court and the authority thereof, and be it hereby enacted,* That all the tract of land within this jurisdiction, whether already granted to any English plantations or persons, or to be granted by this Court (not

Massachusetts being under the qualifications of *right* to the Indians) is, and shall be accounted the just *right* of such English as already have, or hereafter shall have grant of lands from this Court, and the authority thereof, from that of Gen. 1. 28, and the invitation of the Indians.

Sec. 2. *And it is ordered*, That no person whatsoever shall henceforth buy land of any Indian, without license first had and obtained of the General Court; and if any offend herein, such land so bought shall be forfeited to the country.

1633—37.

Nor shall any person sell, give, or barter, directly or indirectly, any gun or guns, powder, bullets, shot, lead, to any Indian whatsoever, or to any person inhabiting out of this jurisdiction: Nor shall any amend or repair any gun belonging to any Indian, nor shall sell any armour or weapons, upon penalty of *ten pounds* for every gun, armour, or weapons, so sold, given, or bartered, *five pounds* for every pound of powder, *forty shillings* for every pound of shot or lead, and proportionably for any greater or lesser quantity. [1633—37.]

*For explaining the law, tit. "INDIANS."*

1665.

This Court doth declare the prohibition there exprest, referring to the purchase of Indian land without license from this Court, is to be understood, as well grants for term of years, as forever, and that under the same penalty as in the said law is exprest. [1665.]

3. Whereas, the French and Dutch and other foreign nations, do ordinarily trade guns, powder, and shot, with Indians, to our great prejudice, and strengthening and animating the Indians against us: and the aforesaid French, Dutch, &c. do prohibit all trade with the Indians within their respective jurisdictions, under penalty of confiscation, &c.

*It is therefore ordered*, That it shall not be lawful for any Frenchman, Dutchman, or any person of any other foreign nation whatsoever, or any English dwelling amongst them, or under them, or any of them, to trade with any Indian or Indians within the limits of our jurisdiction, directly or indirectly, by themselves or others, under penalty of confiscation of all such goods and vessels as shall be found so trading, or the due value thereof, upon just proof of any goods or vessels so trading or traded.

1650.

And it shall be lawful for any person or persons, inhabiting within this jurisdiction, to make seizure of any such goods or vessels trading with the Indians; one half whereof shall be for the proper use and benefit of the party seizing, and the other half to the country. [1650.]

4. And because the trade of furs with the Indians in this jurisdiction, doth properly belong to this Commonwealth, and not unto particular persons: Massachusetts  
1633--1672.

*It is therefore ordered,* That henceforth no person or persons, directly or indirectly, shall trade with the Indians for any sort of peltry, excepting only such as are authorized by this Court, or by such Committee as this Court shall appoint from time to time, under the penalty of *one hundred pounds* fine for every offence; *ten pounds* whereof shall be to the informer, the rest to the country.

5. Whereas, several orders for preventing drunkenness amongst the Indians have been made, yet, notwithstanding, there is little or no reformation; for the prevention thereof, and the frequent effects thereof, murder and other outrages amongst them,

*This Court doth order,* That no person of what quality or condition soever, shall henceforth sell, truck, barter, or give, any strong liquors to any Indian, directly or indirectly, whether known by the name of rum, strong waters, wines, strong beer, brandy, cyder, perry, or any other strong liquors, going under any other name whatsoever, under the penalty of *forty shillings* for one pint; and so proportionably for greater or lesser quantities, so sold, bartered, or given directly or indirectly, as aforesaid.

And for the better *execution* of this order, all trucking houses erected (not allowed by this Court) shall be forthwith demolished.

And for the better effecting of this order, it is declared that one-third part of the penalty shall be granted to the informer.

*It is also ordered,* That special care shall be had by the Grand Jury of every shire court, to inquire and present to the court what they find to discover matter tending to such practice, against the true intent of this law.

And all other orders giving liberty to sell strong liquors to the Indians, are hereby repealed; and all licenses formerly granted, are hereby disabled and called in: *Provided always,* That it is not intended that this law extend to restrain any person from any charitable act, in relieving any Indian (*bona fide*) in case of sudden extremity, by sickness or fainting, which calls for such help, nor exceeding one dram, nor when any physician shall prescribe in way of physic, any of the particulars before mentioned; so as upon sight of his direction in writing, there be allowance had, under the hand of one magistrate; or where no magistrates in the town residing, being



Massachusetts  
1633—1672. under the hands of the town commissioners, or two of them.  
[May, 1657.]

6. This Court, considering the necessity of restraining the Indians from whatsoever may be a means to disturb our peace and quiet :

*Doth order*, That henceforth no person or persons inhabiting within this jurisdiction, shall, directly or indirectly, any ways give, sell, barter, or otherwise dispose of any boat, skiff, or any greater vessel, unto any Indian or Indians whatsoever, under the penalty of *fifty pounds*, to be paid to the county treasurer, for every such vessel so sold, or disposed, as aforesaid.

7. *It is ordered by this Court*, That, in all places within this jurisdiction, the English shall keep their cattle from destroying the Indians' corn, in any ground where they have right to plant ; and, if any of the corn be destroyed, for want of fencing or herding, the town shall make satisfaction, and shall have power among themselves to lay the charge where the occasion of the damage did arise : *Provided*, That the Indians shall make proof that the cattle of such a town, farm, or person, did the damage.

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AN ACT of the Province of Massachusetts Bay, passed 1693—4, for the better rule and government of the Indians in their several plantations.

1693—4.

To the intent that the Indians may be forwarded in civility and Christianity, and that drunkenness and other vices be the more effectually suppressed amongst them :

*Sec. 1. Be it enacted and ordained by the Governor, Council, and Representatives in General Court assembled, and it is enacted by the authority of the same*, That his excellency the Governor, by and with the advice and consent of the Council, may, and is hereby, empowered to appoint and commissionate one or more discreet persons within several parts of this Province, to have the inspection and more particular care and government of the Indians in their respective plantations; and to have, use, and exercise, the power of a justice of the peace over them in all matters, civil and criminal, as well for the hearing and determining of pleas betwixt party and party, and to award execution thereon, as for the examining, hearing, and punishing, of criminal offences, according to the acts and laws of the Province, so far as the power of a justice of the peace does extend : as, also, to nominate and appoint constables and other proper and necessary officers amongst them.

Sec. 2. *And be it further enacted by the authority aforesaid*, That no person or persons whatsoever, shall directly or indirectly sell, truck, barter, or give to any Indian, any strong beer, ale, cider, perry, wine, rum, brandy, or other strong liquors, by what name or names soever called or known, on pain of forfeiting the sum of *forty shillings* for every pint, and proportionably for any greater or lesser quantity so sold, trucked, bartered, given, or delivered to any Indian, directly or indirectly, as aforesaid, upon conviction thereof before a justice of the peace, where the penalty does not exceed *forty shillings*; and, if it exceed that sum, at the sessions of the peace to be holden for the same county where the offence is committed: one moiety of all such forfeitures to be unto their Majesties, for and towards the support of the Government; and the other moiety, to him or them that shall inform and prosecute the same, by bill, plaint, or information; and if the offender be unable, or shall not forthwith pay and satisfy the said penalty or forfeiture, then to be committed to the gaol of the county, there to remain until he pay and satisfy the same, or suffer two months imprisonment: *Provided*, this act shall not be intended, or extend to restrain any act of charity for relieving any Indian, (*bona fide*) in any sudden exigent, or faintness, or sickness, not to exceed one or two drams; or, by prescription of some physician in writing, or by the allowance of a justice of the peace.

And for the better discovery of such ill-disposed persons, who, through greediness of filthy lucre, shall privately sell or deliver strong liquors, or strong drink to any Indian or Indians: (of which it is difficult to obtain positive evidence, other than the accusation of such Indian or Indians,) and, to the intent that murders and other outrages frequently occasioned thereby, may be prevented,

*It is ordained and enacted*, That the accusation and affirmation of any Indian, with other concurring circumstances, amounting to an high presumption, in the discretion of the court, or justices who have cognizance of the case, (the accuser and accused being brought face to face at the time of trial) shall be accounted and held to be a legal conviction of the person so accused, of giving, selling, or delivering wine, rum, or any other strong drink or liquors, to such Indian, unless the party accused shall acquit him or herself thereof upon oath; which the court or justice, respectively, are hereby empowered to require and administer unto the person accused, in form following, that is to say:

Massachusetts  
1693-4.

*"You, A. B. do swear, that neither yourself nor any other, by your order, general or particular assent, privity, knowledge, or allowance, directly or indirectly, did give, sell, or deliver any wine, cider, rum, or other strong liquors or drink, by what name or names soever called or known, unto the Indian by whom and whereof you are now accused. So help you God."*

*And further it is enacted, That it shall and may be lawfu to and for any person or persons to seize any wines, strong liquors or cider, which he or they may find in the custody of any Indian, not obtained by allowance as aforesaid; (other than cider made of fruit of their own growth) and to deliver the same unto the constable, or any one or more of the selectmen of the town, where the same shall be seized, to and for the use of the poor of such town; and to apprehend such Indian, and to cause him or her to be conveyed before the next justice of the peace, to be examined where and of whom, they had such strong drink.*

And every Indian convicted of drunkenness, shall suffer and pay unto the use of the poor of the town or place where such offence is committed, the sum of *five shillings*, or else be openly whipped by the constable of such town or place, or some other that he shall procure, not exceeding *ten lashes*, as the justice of the peace before whom such conviction is shall determine.

[1725.]

An Act for the allowing necessary supplies to the Eastern Indians, and for regulating trade with them, and for the repealing an act, entitled "An act to prohibit trade and commerce with the Eastern Indians," made and passed in the eighth year of his present Majesty's reign.

1725.

Whereas, the Indians in the Eastern parts of this province having been some years past in hostilities and rebellion, have now submitted themselves, and recognized their subjection and obedience to the crown of Great Britain, and have their dependence on this Government for supplies of clothing and other necessaries: to the intent, therefore, that they may be furnished with the same at such easy rates and prices as may oblige them to a firm adherence to his Majesty's interest,

*Be it enacted by the Lieutenant Governor, Council, and Representatives, in General Court assembled, and by the authority of the same, That provisions, clothing, and other supplies suitable for the carrying on a trade with the said Indians, not exceeding the value of four thousand pounds, be, at the session of this Court in May next, procured at the cost and charge of this province; and the produce thereof applied, from time to time, for supplying of the said Indians, as aforesaid, by*

such person or persons as shall annually be chosen by this Court, who shall take the direction of the Governor and Council in the recess of the Court, as occasion shall require: *Provided always*, such direction be not inconsistent with the instructions of this Court. And likewise annually lay before this Court fair accounts of all his or their proceedings herein; which supplies of clothing, provisions, and other things, shall be lodged at such places to the eastward of Falmouth, in Casco bay, as the General Court shall, from time to time, order and appoint.

Massachusetts  
1725.

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[1747.]

An Act for explaining an act, entitled "An act to prevent and make void clandestine and illegal purchases of lands from the Indians," so far as relates to the devise or bequest of any real estate by the last will and testament of any Indians.

Whereas, doubts have arisen whether the act passed in the thirteenth year of King William the Third, intituled "An act to prevent and make void clandestine and illegal purchases of lands from the Indians," doth extend to any devise or bequest of real estate made by the last will and testament of any Indian:

*Be it therefore declared and enacted by the Governor, Council, and House of Representatives,* That the said act was intended to extend, and did, doth, and ought to be understood to extend to all devises of real estates made by the last wills and testaments of any of the said Indians; and all such devises of lands, or other real estate whatsoever, by any last will and testament from any Indian or Indians inhabiting within this province, to any English person or persons, that have been heretofore made, and have not been approved by the General Court; and also all such as shall hereafter be made, unless the approbation of the General Court shall be obtained, are hereby declared utterly void and of no effect.

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[1758.]

AN ACT in addition to the several acts for the better regulating the Indians.

Whereas, the act of this Government, intituled "An act in addition to the several acts for the better regulating the Indians," is near expiring; and as said act has proved very beneficial to the Indians, and a further regulation is also necessary:

Massachusetts  
1758.

*Be it enacted by the Governor, Council, and House of Representatives,* That there be three proper persons appointed for the future by this Court, near to every Indian plantation in this province, guardians to the said Indians in their respective plantations, who are hereby empowered from and after the twenty third day of June, A. D. 1758, to take into their hands the said Indians' lands, and allot to the several Indians of the several plantations, such parts of the said lands and meadows as shall be sufficient for their particular improvement from time to time, during the continuance of this act; and the remainder, if any there be, shall be let out by the guardians of the said respective plantations, to suitable persons, for a term not exceeding the continuance of this act: and such part of the income thereof as is necessary, shall be applied for the support of such of the proprietors in their respective plantations as may be sick or unable to support themselves; and the surpluse thereof, if any there be, distributed amongst them according to their respective rights or interest, for providing necessaries for themselves and families, and for the payment of their just debts, at the discretion of their said guardians; and that the respective guardians aforesaid be hereby empowered and enabled, in their own names, and in their capacities as guardians, to bring forward and maintain any action or actions for any trespass or trespasses that may be committed on the said Indian land; and that any liberty or pretended liberty obtained from any Indian or Indians for cutting off any timber wood, or hay, milking pine trees, carrying off any ore or grain, or planting or improving said lands, shall not be any bar to said guardians in their said action or actions: *Provided,* That nothing in this act shall be understood to bar any person or persons from letting creatures run upon the said Indians' unimproved lands that lie common and contiguous to other towns or proprietors.

*And be it further enacted,* That from and after the twenty-third day of June aforesaid, no Indian or Indians shall sell or lease out to any other Indian or Indians any of his or her lands, without the consent of the guardians, or a major part of the guardians of the Indians of the plantation wherein such lands do lie; and all sales or leases of land for any term or terms of years that shall at any time hereafter during the continuance of this act, be made by any Indian or Indians to any other Indian or Indians, shall be utterly void and of none effect, unless the same be made by and with license of the respective guardians as aforesaid.

*And be it further enacted,* That no action shall be brought <sup>Massachusetts</sup> against any of the said Indians for any debt hereafter to be by <sup>1758,</sup> them contracted with any English persons for any sum whatsoever, unless the same be first examined and allowed by the court of general sessions of the peace for the county where such Indian or Indians live, or the respective guardians of such plantations where such Indian or Indians live, except specialties approbated according to the law of this province, made in the fourth and fifth year of the reign of his Majesty king George the First, intituled "An act in addition to the act for preventing abuses to the Indians," made in the twelfth year of king William.

*And be it further enacted,* That the several guardians aforesaid shall keep a fair account of their proceedings in the aforesaid affair, to be by them laid before the General Court from year to year, by said court to be adjusted and allowed of.

This act to continue and be in force for the space of three years from said twenty-third day of June, and from thence to the end of the next session of the General Court, and no longer.

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### 1789.

An Act for the better regulating of the Indian, Mulatto, and Negro proprietors and inhabitants of the Plantation called Marshpee, in the county of Barnstable.

Whereas, the provisions already made by law respecting the 1793.

Indian, mulatto and negro proprietors and inhabitants of the plantation called Marshpee, in the county of Barnstable, are insufficient to the well ordering and managing their affairs, and protecting them and their property against the arts and designs of those who may, from time to time, be disposed to take the advantage of their weakness :

Sec. 1. *Be it therefore enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That a board of overseers shall be established, consisting of five discreet and disinterested persons, (two of whom to be inhabitants of the county of Barnstable, and the other three of the adjoining counties) and shall be appointed as is hereinafter directed ; which overseers are hereby vested with full power and authority to regulate the police of the said plantation, to establish rules and regulations for the well ordering and managing the affairs, interest and concerns of the said Indian, and other proprietors and inhabitants, as well with respect to the improvement and leasing out of their

Massachusetts  
1789.

lands and tenements, regulating their streams, ponds, and fisheries, perambulating their lines, and meting out lots for their particular improvement, as with respect to their bargains, contracts, wages and other dealings, and to take due care of their poor, and that their children be bound out to suitable persons, of sober life and conversation. And the said overseers are empowered and directed to hold stated meetings, elect a moderator, secretary and treasurer, and may, if they judge it necessary, appoint some suitable person or persons to act under their direction, as a guardian or guardians to the said Indian and other proprietors, and to carry into execution their said regulations and orders (which guardian or guardians shall give bonds to the said board of overseers, for the faithful discharge of their trust, and to render in to the said overseers, and settle their accounts once every year, and oftener, if required) and whenever the said board shall judge the continuance of the said guardians in their said trust inexpedient or unnecessary, they may remove them.

Sec. 2. *And be it enacted*, That the said board of overseers, or the guardians whom they may appoint, are hereby vested with power and authority to demand and receive any property, dues or wages, which now are or hereafter may be detained, withheld from, or justly owing to said proprietors, or any of them, by any person or persons, and to institute and bring forward, in their own names and capacities, any action or actions for the recovery thereof, as likewise for any illegal entries, or trespasses, which have been, or may be made or committed on their lands, tenements, fisheries, and other property; or for any fraud or injury done to them, or any of them, and the same action or actions to pursue to final judgment and execution; and shall, at all times, have full power and authority to examine, adjust and settle all accounts and controversies between them, or any of them, and any white person or persons, for voyages or other services and transactions which remain unsettled, or which may hereafter be done or arise; as likewise to adjust and bring to a settlement all accounts and proceedings of any former guardian, trustee, or overseer, taking effectual care that justice be done therein; and may also bind, by indenture, the children of the poor of the said proprietors, to suitable persons, of sober life and conversation, as they, the said overseers and guardians, may judge necessary and convenient.

Sec. 3. *And be it enacted*, That no lease, indenture, covenant, bond, bargain, or contract, in writing, made by any of said proprietors, shall be of any validity, unless it be made by, or under the direction of said board, guardian or guardians, or

with their consent and approbation; nor shall any action be brought against any of the said proprietors, upon any account, for goods sold and delivered, services done and performed, or for money had and received, to the use of another, unless such account shall have been first examined by the said overseers, guardian or guardians, and by them approved. Massachusetts  
1789.

Sec. 4. *And be it enacted*, That the said overseers shall keep a fair and regular account of all their transactions, and of all the rents and profits arising from their the said proprietors' lands, tenements and fisheries, or otherwise, and of all money, wages or incomes, which they may receive from time to time, belonging to the said proprietors, or any of them, and shall distribute to them their respective rights, dues and shares, after deducting the reasonable expense of conducting their said business, payment of their just debts, and (from the common profits) providing for the sick and indigent, and reserving from time to time, such sum or sums as can conveniently be spared, for the support and continuance of religious instruction among them, and the schooling of their children; and they, the said overseers, shall state their accounts annually, and lay the same before the Governor and Council for approbation and allowance: and the Governor, with the advice of the Council, is hereby authorized and empowered to appoint such overseers, and to fill up vacancies, whenever, by death, resignation, removal out of the Commonwealth, or otherwise, they may happen; to displace them, or any of them, for want of ability or integrity, or other reasonable cause, and to audit their accounts.

Sec. 5. *And be it enacted*, That no liberty or pretended liberty, from the proprietors, or any of them, for cutting off any wood, timber or hay, milking pine trees, carrying off any ore or grain, or for planting or improving any of said lands or tenements, without the approbation of said overseers, guardian or guardians, shall be any bar in any of their action or actions: *Provided* nothing herein shall be construed to defeat any lease or indenture heretofore made agreeably to law. And the lands and tenements of said proprietors shall not be liable to be taken in execution for debt. And if any of said proprietors shall be committed in execution for debt, he, she, or they shall have the same benefit from an act, entitled "An act for the relief of poor prisoners who are committed by execution for debt," as any white person now hath, who has no estate, their being proprietors notwithstanding, and the oath shall be varied accordingly.

Sec. 6. *And be it enacted*, That all laws heretofore made respecting the said Marshpee Indians, be, and hereby are repealed. [Jan. 30, 1789.]



## 1790.

An Act in addition to an Act, entitled, "An Act for the better regulating of the Indian, Mulatto and Negro proprietors and inhabitants of the plantation called Marshpee, in the county of Barnstable."

Massachusetts  
1790.

Whereas it appears that an Act, entitled, "An Act for the regulation of the Indian, mulatto and negro proprietors and inhabitants of the plantation called Marshpee, in the county of Barnstable," proves insufficient for the well regulating said plantation, in many instances:

Sec. 1. *Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,* That the overseers, guardian or guardians of the said plantation, for the time being, shall have full power and authority to appoint annually, one constable, two fence-viewers, two surveyors of highways, two hogreeves, and one warden, being all inhabitants of the said plantation; whose duty it shall be to carry into execution the laws of the Commonwealth within the said plantation, as fully as the like officers chosen by the several towns in this Commonwealth are by law enabled to do within their respective towns; and said officers shall be sworn before some justice of the peace in the said county, faithfully to perform the duties required of them in their respective offices.

And whereas, several persons have entered upon the lands belonging to the said proprietors, and set up houses upon the same, without paying rents therefor, to the great injury of said proprietors:

Sec. 2. *Be it further enacted,* That any person or persons, not being a proprietor of said plantation, who shall enter upon said plantation to reside there, or who are now residents there, who shall refuse to pay to the guardian or guardians of said plantation, for the benefit of the proprietors thereof, such sum or sums of money, or the value thereof in some other way, for the rents of such lands as they respectively improve, as, in the opinion of the said guardian or guardians shall be just and equitable; every person so refusing, shall, if required by the said guardian or guardians, be removed from the said plantation, by warrant, to be issued by some justice of the peace for the said county (upon complaint of said guardian or guardians,) *Provided, however,* That such complaint shall appear reasonable to the justice to whom the complaint is made; and the said warrant shall be directed to the constable of said plantation; and if the person so removed, shall again return, with intent to reside there, he shall forfeit and pay for each

offence the sum of five pounds, to the use of said proprietors, <sup>Massachusetts</sup> to be recovered by action of debt in any court proper to try <sup>1790.</sup> the same; which action may be brought in the name or names of the guardian or guardians of said plantation.

And whereas, many of the Indian, mulatto, and negro inhabitants who occupy lands within the plantation, have no other title to the same but what they derive from grants or assignments made to them by the original proprietors; and it being necessary clearly to ascertain who are the proprietors of said plantation:

**Sec. 3.** *Be it further enacted,* That the guardian or guardians shall make out a fair record of all the names of the proprietors of said plantation who usually reside within the same; and in all cases where the title of proprietorship shall appear doubtful, the guardian or guardians shall examine into the same, and if they find the claim of such Indian, mulatto, or negro, either by descent, marriage, or otherwise, well founded (the overseers confirming the same) his name shall be entered on said record; and such Indian, mulatto or negro shall be considered as a proprietor of said plantation to all intents and purposes.

**Sec. 4.** *And be it enacted,* That those who are not proprietors in their own rights, or in the right of their wives, or who shall not be admitted as proprietors by the overseers, guardian or guardians, in manner aforesaid, shall not be deemed or reputed inhabitants of said plantation, but shall, at all times, be liable to be removed, together with their families, by warrant, in manner aforesaid, out of said plantation; any thing in the act, to which this is an addition, to the contrary notwithstanding. [*March 4, 1790.*]

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### 1805.

An Act for the protection of the Indians and their property, in that part of Duke's county, known by the name of Christiantown.

Whereas, many persons, who are unmindful of the moral obligations which they owe to society, have taken undue advantages of said Indians: for the remedy whereof,

**Sec. 1.** *Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same,* That his excellency the Governor, by and with the advice and consent of Council, be, and he hereby is, authorized and empowered to appoint two good and discreet men as guardians, to have the care and oversight of said Indians, and of their property, with full power to superintend the same.

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1805.

Sec. 2. *Be it further enacted*, That from and after the passing of this act, all deeds, bargains, sales, releases, quit claims, or any conveyance whatsoever, that any person shall or may obtain, in any way, from any person or persons, of any lands, tenements, or hereditaments, which do, or shall hereafter belong to any of said Indians, as well for any term of years, or forever, shall be utterly void and of none effect, excepting such deeds, leases, or other conveyances, as shall first be examined, approved, and confirmed, by said guardians.

Sec. 3. *Be it further enacted*, That from and after the passing of this act, no bond, bill, or other specialty in writing, or any contract whatever, nor any book account, or verbal contract or promise for the payment of money, shall be deemed good and recoverable against any of the said Indians, if the same shall exceed the sum of *four dollars*, unless such bill, bond, specialty, or verbal contract, shall be approved by one at least of said guardians.

Sec. 4. *Be it further enacted*, That nothing in this act shall be construed in anywise to affect any existing contract, or any action that shall be pending in any court at the time of the passing of this act. [March 8, 1805.]

### 1808.

An Act in addition to, and repealing part of the first section of an act, entitled "An act for the better regulating of the Indian, Mulatto, and Negro proprietors and inhabitants of the plantation called Marshpee, in the county of Barnstable, and for other purposes."

1808.

*Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That a board of overseers shall be established, to consist of three discreet and disinterested persons, one of whom, at least, not to be an inhabitant of the county of Barnstable, to be appointed in the same manner, to have the same powers, to perform the same duties, to be subject to the same rules of proceeding, and to hold their offices by the same tenure as the present overseers now hold, have, and are subjected to by the act, to which this is an addition; which overseers shall also be overseers of the Herring-Pond tribe of Indians, living partly in Plymouth, and partly in Sandwich, and have all the powers, and be subject to, and perform all the duties incumbent on the present board of overseers, by a resolve passed the fifth day of June, in the year of our Lord, one thousand seven hundred and eighty-nine: and the present board of overseers, and their treasurer, shall, on or before the first day of June next, deliver over to the board of overseers to be appointed by this act, all

the monies, funds, obligations, and records belonging to the said tribe of Marshpee, and the said tribe of Herring-Pond Indians, and take receipts for the same; and the board of overseers to be appointed by this act, are hereby empowered to demand and receive all the property and papers aforesaid, at or before the time aforesaid, and to give them receipts for the same.

Sec. 2. *Be it further enacted*, That so much of the first section of the act to which this is an addition, as directs the appointment of a board of five overseers, and of more than one guardian, be, and the same is hereby repealed. [March 9, 1808.]

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## 1810.

An Act for the better regulation of the Indians, and other people of colour, inhabitants of the island of Chappequidick, in the county of Duke's county.

Sec. 1. *Be it enacted by the Senate and House of Representatives, in general Council assembled, and by the authority of the same*, That his excellency the Governor, with the advice of the Council, is hereby authorized and requested to appoint three commissioners, who shall meet in the month of March next, and when met, shall have power to make a distinct and specific assignment of the lands belonging to the Indians, and other people of colour, inhabitants of the Island of Chappequidick, in the county of Duke's county, to the different individuals and families, in such quantities as they shall deem proper, reserving from said lands such portions for annual appropriations by the guardians of the said Indians, and people of colour, as the said commissioners may judge expedient; and each individual and family shall retain possession of the land so assigned, for the term of ten years from the thirty first day of March next, at which time a new assignment of the said lands shall be made by the guardians of the said Indians.

Sec. 2. *Be it further enacted*, That no promise made, or contract entered into, by any of the said Indians, or people of colour, shall be valid in law, unless the same be made or entered into with the written consent of two or more of their guardians; and no action hereafter brought upon such promise or contract, made or entered into without such written consent, shall be sustained in any court of law.

Sec. 3. *Be it further enacted*, That no action shall be sustained in any court of law in this Commonwealth, wherein any

Massachusetts of said Indians or people of colour shall be plaintiff, unless the  
 1810. original writ be endorsed by two or more of their guardians; and this act may be given in evidence in all such actions under the general issue. [February 27, 1810.]

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 1811.

An Act for the better regulation of the Indian, Mulatto, and Negro proprietors of Gay Head, in the county of Duke's county.

1811.

Sec. 1. *Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That his excellency the Governor, by and with the advice of the Council, may appoint three proper persons to be guardians to the Indian, mulatto, and negro proprietors of Gay Head, in the county of Duke's county, who shall give bonds with sufficient sureties to the judge of probate in and for said county of Duke's county, for the faithful discharge of their trusts, and to render and settle their accounts as is therein after directed; which guardians are hereby empowered to take into their possession the lands of said Indians, mulattoes, and negroes, and allot to the several Indian, mulatto, and negro proprietors of said lands such parts of said lands as shall be sufficient for their particular improvement from time to time; and the remainder, if any there be, shall be let out by the said guardians to suitable persons, for a term not exceeding two years, and such part of the income thereof as is necessary, shall be applied for the support of such of the said proprietors as may be sick or unable to support themselves, and the surplus thereof, (if any there be,) shall be distributed amongst them according to their respective rights or interest, for providing necessaries for themselves and families, and for the payment of their just debts, at the discretion of their said guardians; and that the respective guardians aforesaid, or the major part of them, be hereby empowered and enabled, in their own names, and in their capacities as guardians, to bring forward and maintain any action or actions for any trespass or trespasses that may be committed, or any action of ejectment against any person or persons who may illegally enter into the possession of said lands; and that any liberty or pretended liberty obtained from any Indian, mulatto, or negro proprietor, for cutting off any timber, wood, or hay, carrying off any ore, earth or grain, or planting or improving said lands, shall not be any bar to said guardians in their said action or actions.

Sec. 2. *And be it further enacted,* That no action shall be brought against any of the Indian, mulatto, or negro proprie-

tors of said lands, for any debt hereafter to be by them contracted with any person or persons for any sum whatsoever, <sup>Massachusetts</sup> 1811. unless the same be first examined and allowed in writing, and signed by the said guardians, or a major part of them.

Sec. 3. *And be it further enacted*, That the said guardians shall keep a fair account of their proceedings relative to the trust in them reposed by this act, to be by them laid before the court, who exercise the powers and duties of the Court of Sessions for the county of Duke's county, from year to year, and oftener if required by said court, for their inspection and allowance.

Sec. 4. *And be it further enacted*, That no action shall be sustained in any court of law in this Commonwealth, wherein any of said Indian, mulatto, or negro proprietors shall be plaintiff, unless the original writ be endorsed by two or more of their guardians; and this act may be given in evidence in all such actions under the general issue.

Sec. 5. *And be it further enacted*, That whenever the Governor and council shall judge the continuance of the said guardians in their said trust inexpedient or unnecessary, they may remove them. [June 25, 1811.]

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### 1813.

An Act in addition to an act for the better regulation of the Indian, Mulatto and Negro proprietors of Gay Head, in the county of Duke's county.

*Be it enacted by the Senate and House of Representatives, 1813, in General Court assembled, and by the authority of the same*, That the guardians to the Indian, mulatto and negro proprietors of Gay Head, shall have a lien on the stock pastured on said proprietary, for the payment of rent of said pasturage, and are hereby vested with all the powers of collectors of taxes, to distrain the stock actually depastured for rents in arrears. [June 16, 1813.]

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### 1818.

An Act in addition to an act, entitled "An act for the protection of the Indians and their property, in that part of Duke's county, known by the name of Christiantown."

Sec. 1. *Be it enacted by the Senate and House of Representatives, 1818, in General Court assembled, and by the authority of the same*, That the guardians appointed in pursuance of the act, entitled "An act for the protection of the Indians

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**1818.** and their property, in that part of Duke's county known by the name of Christiantown," be, and they hereby are required, within six months after the passing of this act, to file their account of guardianship with the circuit court of common pleas for the county of Duke's county, which court, after due notice to all parties concerned, shall settle and allow such account, in the same manner as judges of probate are now authorized to allow and settle the accounts of trustees. And the said guardians shall hereafter, once in two years at farthest, settle a like account with the court of common pleas, in manner above directed.

Sec. 2. *Be it further enacted,* That so much of the act above named, as authorizes the Indians at Christiantown, with consent of their guardians, to sell and convey any part of their land, be, and the same hereby is repealed; and that from and after the passing of this act, no part of said lands now holden by Indians, shall be sold without the consent of the Legislature. [*Feb. 12, 1818.*]

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### 1819.

An Act in addition to the several acts respecting the Indians and other persons proprietors and residents on the plantations of Marshpee and Herring Pond, so called.

1819.

*Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That from and after the passing of this act, to constitute a proprietor of the plantation or district of Marshpee, or a member of said Herring Pond tribe, the person alleged to be a proprietor, must be a child or lineal descendant of some person who is now a proprietor; and in no other way or manner shall the rights of proprietorship be acquired: and the overseers of said Marshpee and Herring Pond tribes shall, as soon as may be, after the passing of this act, cause to be made an enumeration or census of all the proprietors and members of the said tribes, and of all other persons resident on their plantations, respectively; distinguishing proprietors from all other persons; and make a record thereof, of the names and ages of all such proprietors and members; which record shall distinguish the said tribes, and shall be annually revised and corrected by the said overseers, at their stated annual meeting; and a return thereof shall be made by the said overseers, to the Governor and Council, on or before the last day of December annually.

**Sec 2. *Be it further enacted,*** That the overseers aforesaid; in addition to the powers granted to them as overseers, <sup>Massachusetts</sup> be, and they are hereby invested with all the powers, and shall <sup>1819.</sup> discharge all the duties, which, by any law, is or may be given to, or incumbent upon, a guardian or guardians of such Indian tribes, whenever such office of guardian shall be vacant.

**Sec. 3. *Be it further enacted,*** That if any person shall sell, give, or deliver any spirituous liquor, or any liquor or mixed liquor, the nature of which is intoxicating, to any proprietor or member aforesaid, without a permit first obtained in writing, either from said overseers, or from some suitable agent of their appointment, or some respectable physician who is employed to take care of the sick of the said proprietors; and agreeably to such permit, every person offending in such case, and being thereof convicted before any court having competent jurisdiction of such offence, shall pay a fine not more than fifty dollars, according to the nature and aggravation of the offence. And it shall be the duty of the overseers to give information to the proper officers for prosecuting such offences.

**Sec. 4. *Be it further enacted,*** That the said overseers shall have the power to bind out to service, for any length of time not exceeding three years, any proprietor or member aforesaid, who, in the judgment of said overseers, has become an habitual drunkard and idler; and the earnings of such person, in such service, to receive and apply to his or her maintenance and support, or to the support of his or her family, or to the support of the said proprietors, generally, as the overseers, in their discretion, may think proper.

**Sec 5. *Be it further enacted,*** That all real estate acquired by the industry of the proprietors and members aforesaid, and purchased by them, shall be the sole and separate property and estate of such proprietor or member so acquiring and purchasing the same, and may be by him or her enjoyed, sold, alienated and disposed of by deed, will, or otherwise.

**Sec. 6. *Be it further enacted,*** That if any proprietor or member of either of the tribes aforesaid, or any other person, shall cut, fell, or destroy, or take away, any wood, timber or other property, standing, growing, or being on any of the lands belonging to the said proprietors or members of the said tribes, not set off and assigned in manner provided by law, or cause the same to be done; or if any person, not a proprietor or member of either of the said tribes, shall cut, fell, destroy, or take away any wood, timber, or other property, standing, growing or being on any of the lands of either of the said tribes, which has been or hereafter may be set off and assigned in



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manner provided by law, or cause the same to be done, without first having a permit from said overseers, or a majority of them so to do; or shall commit any other trespass on the lands of the said proprietors of the said several tribes, he, she, or they, on conviction of any such offence, before any court of competent jurisdiction, shall pay a fine not exceeding two hundred dollars, or be imprisoned for a term not exceeding two years, according to the nature and aggravation of the offence, at the discretion of the court, before whom such conviction may be had; and such offender shall be further liable in an action of trespass, in the name of the overseers, for the damage thus sustained. And no inhabitant or member of either of the said tribes, nor any person concerned in the government thereof, shall be disqualified from being a witness in any such prosecution or action, on account of his or her interest or office in or concerning the said several tribes, and their estate and property. And all permits which may be given to any person or persons, shall be in writing, and subscribed by two at least of the said overseers, and express particularly the quantity of wood or timber to be cut or taken, and at what times, and for what purposes; and shall be recorded at length in the record of their proceedings, before any wood or timber shall be cut or taken away by virtue thereof; otherwise, such permit shall be void.

Sec. 7. *Be it further enacted*, That all the accounts of the said overseers with the several tribes aforesaid, shall be kept distinct from each other, and shall be annually examined, audited and adjusted, by the court of common pleas for the county of Barnstable, and a copy thereof, and of the adjustment, shall be transmitted by the said overseers to the Governor and Council, on or before the last day of December annually.

Sec. 8. *Be it further enacted*, That any action which is or may be commenced in the name of the said overseers, in their said capacity, may be prosecuted to final judgment and execution in the name or names of the survivors or survivor of them, notwithstanding the death of any one or more of them during the pendency of such action.

Sec. 9. *Be it further enacted*, That all fines and forfeitures incurred by a breach of this act, may be recovered by indictment before any circuit court of common pleas, or supreme judicial court, which may be holden within and for the county of Barnstable; one moiety thereof to the use of the person who shall give information of such breach to said overseers, and the other moiety thereof to the use of the Commonwealth.

**Sec. 10.** *Be it further enacted,* That all acts and parts of <sup>Massachusetts</sup> acts inconsistent with the provisions of this act, be, and the <sup>1819.</sup> same are hereby repealed. [February 18, 1819.]

1825.

An Act regulating the duties of trustees and guardians of Indians or tribes of Indians within this Commonwealth.

**Sec. 1.** *Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority* <sup>1825.</sup> *of the same,* That from and after the passing of this act, the several guardians or trustees of any Indian or Indians, or tribes of Indians within this Commonwealth, that now are or may hereafter be appointed, shall be required to give bonds for the faithful discharge of their trusts, with sufficient surety or sureties, to the judge of probate for the county of which such trustee or trustees, guardian or guardians, is or are an inhabitant or inhabitants, in double the amount of the appraised value of the property which now is, or may hereafter come into their hands as trustees or guardians aforesaid.

**Sec. 2.** *Be it further enacted,* That the several trustees or guardians of any Indian or Indians, or tribes of Indians, that now are or may hereafter be appointed, be, and they hereby are required to make and render to the court of sessions for the county in which said trustee or trustees, guardian or guardians may reside, at the first term thereof, next after the passing of this act, and thence after annually, a true and just statement in writing, under oath, of the amount of the property in his or their hands as trustees or guardians aforesaid, together with a particular description of the kind of property, and its separate value, with a true and just account of his or their receipts, disbursements and expenses, and the names of the Indians to whom the property belongs, and the share of each respectively; and the said court of sessions is hereby authorized and directed to examine the accounts of the several trustees or guardians as aforesaid, and shall allow so much thereof as shall appear to them to be just.

**Sec. 3.** *Be it further enacted,* That the property which now is, or may hereafter come into the hands and possession of any trustee or trustees, guardian or guardians as aforesaid, the income thereof shall be by him or them distributed amongst and paid to such Indian or Indians, or tribes of Indians, according to their respective rights and interests in the same, in articles necessary for the support of themselves and families, at the discretion of his or their said trustee or trustees, guardian or guardians. [February 26, 1825.]

1828.

An Act for the better regulation, instruction, and government of the Indians and people of colour in the county of Duke's county.

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Sec. 1. *Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same,* That his excellency the Governor, with the advice and consent of the Council, be, and he hereby is authorized to appoint three Commissioners, who shall meet in the month of March or April next, and shall have power to make partition of the lands belonging to the Indians and people of colour, inhabitants of the island of Chappequiddic, in Duke's county, reserving such part thereof for the support of the poor, as they may deem necessary, and the same to divide and apportion among said Indians and people of colour, in such quantities as they shall deem just and proper, regard being had to the rules of birth-right and descent established among said Indians and people of colour, and to those rights which individuals and families may have acquired by virtue of a possession and improvement; and the partition and apportionment so made, being recorded in the registry of deeds for said county, shall be valid and effectual to vest in said Indians and people of colour a fee simple in their respective shares: *Provided always,* That any wood land, peat-land, mines, quarries, or clay-pits, may continue to be held in common as heretofore, or may, at any time, be divided at the request of a majority of said Indians and people of colour, by the guardian and overseers hereinafter provided.

Sec. 2 *Be it further enacted,* That the Governor, with the advice and consent of the Council, shall appoint a good and discreet man, who is or may be appointed a justice of the peace, to be guardian of said Indians and people of colour, and he shall hold the office of guardian during the term of four years; and before entering upon the execution of the trust, shall give a bond to the judge of probate of Duke's county, in the penal sum of one thousand dollars, with a sufficient surety or sureties, conditioned for the faithful discharge of the trust committed to him. and the duties enjoined upon him.

Sec. 3. *Be it further enacted,* That said Indians and people of colour shall, in the month of March or April annually, meet at such time and place as said guardian shall direct, by a written notice, posted up at their meeting house or school house, seven days at least before the time of said meeting, which notice shall contain a list of the matters and things to be acted upon at said meeting; and it shall be the duty of said

guardian to be present and preside in said meeting; but in case of his unavoidable absence, said Indians and people of colour <sup>Massachusetts</sup> 1828. may choose a moderator, and may then proceed to choose a clerk, who shall be sworn before a justice of the peace, to keep a faithful record of all the votes passed in that and in all other town meetings of said Indians and people of colour, during the year, and until another clerk be chosen and sworn in his stead; and the said Indians and people of colour may next proceed to choose two or more good men, either of the neighbouring white inhabitants, not proprietors of lands adjoining the lands of said Indians, or of the most sober, discreet, and well educated of their own number, for overseers; and they may also choose a constable, field-driver, pound keeper and other town officers whom they may deem necessary, who shall be sworn to the faithful discharge of the duties of their respective offices; and it shall be the duty of said constable, field-driver, pound-keeper, and other town officers, to carry into execution the laws of this Commonwealth, within the territory of said Indians and people of colour, as amply as the like officers chosen by the several towns in this Commonwealth, are by law enabled to do within their respective towns.

Sec. 4. *Be it further enacted*, That the following powers and duties be vested in, and enjoined upon the said guardian: 1st. To settle all accounts and controversies among the said Indians and people of colour, and between them and the neighbouring white inhabitants. 2d. To institute, in his own name, or in the name of any Indian or person of colour, any action or actions for the recovery of any debt due, or other property belonging to said Indians and people of colour, or for any fraud or injury committed upon them or their property. 3d. To punish by fine, not exceeding twenty dollars, or by solitary imprisonment, not exceeding twenty days, any trespasses, batteries, larcenies under five dollars, gross lewdness, and lascivious behaviour, and disorderly and riotous conduct, and for the sale of spirituous liquors within the territory, or on the lands of said Indians and people of colour; and said guardian or other justice of the peace may issue his warrant, directed to the constable of said Indians and people of colour, or other proper officer, to arrest and bring before him, any offender against the provision of this act; and after judgment, he may order execution to be done by said constable or other proper officer; and if said guardian or other justice of the peace shall adjudge any offender to solitary imprisonment, such offender shall not, during the term of said imprisonment, be visited by, or allowed to speak with, any person other than the jailor,

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of said guardian or justice of the peace, or such other person as said guardian or justice of the peace shall specially authorize thereto; nor shall such offender be allowed any food or drink other than coarse bread and water, unless sickness shall, in the opinion of a physician, render other sustenance necessary; and said guardian or other justice of the peace shall keep a fair record of his proceedings; and any person aggrieved at the sentence given against him by said guardian or other justice of the peace, may appeal therefrom to the next court of common pleas to be holden in said county, according to the laws regulating the powers of justices of the peace in criminal cases. 4th. To grant licenses to such of said Indians and people of colour as shall, by industry, sobriety, and correct conduct, entitle themselves to the privilege, to make contracts generally, and in particular to purchase real estate, in such quantity, and at such price, in case it be purchased of said Indians and people of colour, as said guardian and overseers may approve. 5th. To be treasurer of said Indians and people of colour. 6th. To settle and adjust all accounts with former guardians, and to receive from them any monies or other property belonging to said Indians and people of colour, and with the approbation of the overseers, to pay any balance which may be justly due to said guardians. 7th. To keep accurate and regular accounts of all receipts and disbursements on account of said Indians and people of colour, and annually, on or before the last day of December, to file a copy thereof in the office of the Secretary of this Commonwealth, for the inspection of his excellency the Governor; and also a copy in the office of the judge of probate of Duke's county, for his inspection and approval: and at the annual meeting of said Indians and people of colour for the choice of officers, or any other town meeting which it shall be his duty to call at any time, on the request of the overseers, he shall exhibit his said accounts, and if required, shall give explanations touching the same: and if said Indians and people of colour shall be of opinion that said guardian has been guilty of any unfaithfulness or fraud in the execution of his said trust, they may represent the same to the judge of probate of Duke's county, who shall hear the parties, examine the case, and if he shall be of opinion that said representation is true, he shall lay the same before his excellency the Governor, who shall direct a suit to be instituted in the name of the Commonwealth against said guardian on his said bond. 8th. To reserve such part of the wages or profits of any voyage or voyages of said Indians and people of colour, for the support of their families, as the said guardian may think proper; and the master or

owners who shall employ said Indians and people of colour in any voyage or voyages, shall be holden to the due payment of any sum or sums so reserved, and no payment made to said Indians or persons of colour by such master or owners, shall be a bar to the recovery of any sum or sums so reserved. 9th. To lease out any common lands, mines, quarries, clay-pits, fisheries, or other common property, and to receive, to the use of said Indians and people of colour, the rents and profits thereof. 10th. To remove all strangers and intruders, who shall, without right, enter and reside upon the lands of said Indians and people of colour; and every person so entering and residing, who shall refuse, on the request of said guardian, to withdraw from the same, shall be removed, together with his or her family from said lands, by a warrant to be issued by the guardian or any justice of the peace, on the complaint of the overseers; and if the person so removed, shall return with intent to reside, he shall, on conviction thereof, before any justice of the peace, be punished by fine not exceeding twenty dollars, or by imprisonment not exceeding twenty days. 11th. To bind out to service, for a term not exceeding one year, if the service is to be performed on land, and the term of one voyage, if the service is to be performed at sea, habitual drupkards, vagabonds and idlers, and the earnings of such persons to receive and apply to the support of his or her family, or to the use of said Indians and people of colour generally, as said guardian and overseers may think proper. 12th. To bind out poor children with the consent of the overseers, according to the laws of this Commonwealth. 13th. To prosecute any person who shall sell to said Indians and people of colour any spirituous liquor, contrary to law. 14th. To enter upon, or, with the approbation of the court of common pleas in Duke's county, in the name of the Commonwealth, to institute suits to recover any lands, tenements or hereditaments taken or detained from any Indians and people of colour in said county, by means of abatement, intrusion, disseizen, deforcement, fraud, or by colour of any gift, grant, bargain or sale by said Indians or people of colour, or their guardians, in contravention of the laws of this Commonwealth; and said lands, tenements or hereditaments, when recovered by said guardian, may be sold at public vendue, ten days notice thereof being first given, by posting up the same at some public place in the town of Edgartown; and the proceeds of such sale shall be paid over in sums at the discretion of said guardian and overseers, to the person or persons who are lawfully entitled to the same, and in default of such persons, into the Treas-

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surey of the Commonwealth, to be invested in such manner as the Treasurer of the Commonwealth shall deem best, and to form, together with such additions as may from time to time be made thereto, a permanent fund for the support of Indian schools and paupers, to be called the Indian School and Pauper Fund. 15th. To disburse monies to said Indians and people of colour, according to the votes of said guardian and overseers in those cases where a joint vote is by this act required, and according to the best of his judgment and discretion in all other cases, he keeping, and annually rendering an accurate account of the same, as hereinbefore provided. 16th. To return to the office of the judge of probate of Duke's county, and to that of the Secretary of the Commonwealth, as soon as may be practicable after his appointment, and as often afterwards as he may be required, complete inventories of all the property, real and personal, belonging to the Indians over whom he shall be appointed.

Sec. 5. *Be it further enacted*, That the following powers and duties be, and they hereby are, vested in and enjoined upon the said guardian and overseers jointly. 1st. To regulate the police of said Indians and people of colour. 2d. To assess and levy taxes, which shall be collected by the constable of said Indians and people of colour, in pursuance of a warrant from said guardian. 3d. To provide for the instruction of youth, and to determine the appropriations for that purpose, to employ instructors, to visit and examine the schools. 4th. To provide for the support of the poor. 5th. To perambulate the lines between the lands of said Indians and people of colour, and the towns which join thereon. 6th. To prohibit, as far as they shall think proper, the intercourse between said Indians and people of colour, and persons belonging to any whaling or other ship, fishing boat or any other water craft whatsoever; and for this purpose, to commission, employ, and pay as many constables as they may deem necessary to enforce such order as they may establish in this behalf.

Sec. 6. *Be it further enacted*, That said Indians and people of colour shall not be capable of alienating, by deed or otherwise, their lands, or any part thereof, except in cases in which authority for that purpose is given by this act, nor shall the same be subject to attachment by writ, or in execution issued on any demand or judgment against the proprietors thereof.

Sec. 7. *Be it further enacted*, That from and after the passing of this act, no promise made, nor contract entered into, by any of said Indians and people of colour, shall be valid in

law, unless the same shall be made or entered into with the written consent of said guardian; and no action hereafter brought upon any promise or contract made or entered into without such written consent, shall be sustained in any court of law: nor shall any action in which any of said Indians or people of colour shall be plaintiffs, be sustained, unless the original writ be endorsed by said guardian; and this act may be given in evidence in all such actions under the general issue: *Provided always*, That nothing contained in this section shall be construed to exempt any person or persons to whom license may have been granted under the fourth section of this act, from suing and being sued, pleading and being impleaded in any court, in the same manner as the citizens of this Commonwealth

Sec. 8. *Be it further enacted*, That said guardian shall give written information to all taverners and retailers within said county, of such Indians and people of colour as may be addicted to idleness, vagrancy, and the excessive drinking of spirituous liquors; and if any taverner or retailer shall, after the receipt of such information, sell any spirituous liquors to any Indian or person of colour, of whom he shall have been so informed as an idler, vagrant, or drunkard, then such taverner or retailer shall forfeit and pay for every offence the sum of ten dollars, to be recovered by action, or on complaint before any justice of the peace, and to be received by said guardian to the use of said Indians and people of colour.

Sec. 9. *Be it further enacted*, That there shall be erected and maintained by the guardian and overseers at the common expense, in such place on the lands of said Indians as said guardian and overseers shall direct, a pound, which shall be used for like purposes, and in like manner as town pounds may be by the laws of this Commonwealth.

Sec. 10. *Be it further enacted*, That whenever any woman of said Indians and people of colour shall be delivered of a bastard child, or shall be pregnant of a child, which, if born alive, would be a bastard, the guardian or other justice of the peace, upon complaint against any man as the father of such bastard child, shall proceed according to the act for the punishment of fornication, and the maintenance of bastard children.

Sec. 11. *Be it further enacted*, That this act shall be taken and construed to extend to the Indians and people of colour at Christiantown, whose lands shall be divided and apportioned by the said commissioners in the manner as is herein provided for the partition of lands at Chappequiddic, and as soon after the completion of that partition as may be practicable: and



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said Indians and people of colour at Christiantown may choose their own overseers and other officers, and do all other things which, by this act, the Indians and people of colour at Chappaquiddic may do; and whenever the Indians and people of colour at Gay Head shall, by a vote in town meeting, accept this act, and shall transmit to his excellency the governor an attested copy of said vote, then his excellency may authorize said guardian to act as guardian of the Indians and people of colour at Gay Head, and may, upon their request, appoint suitable persons to make partition of the Indian lands at Gay Head, in the same manner as is herein provided for the partition of lands at Chappaquiddic and Christiantown.

Sec. 12. *Be it further enacted*, That there be allowed and paid to said guardian, out of the Treasury of the Commonwealth, the annual salary of one hundred dollars for his services as guardian of the Indians and people of colour at Chappaquiddic and Christiantown: and if he shall be authorized by his excellency the Governor to act as guardian of the Indians and people of colour at Gay Head, then he shall receive such additional sum, not exceeding one hundred dollars annually, as his excellency the Governor, with the advice and consent of the Council, may determine.

Sec. 13. *Be it further enacted*, That all acts and parts of acts inconsistent with the provisions of this act, be, and the same hereby are repealed. [March 10, 1828.]

### 1829.

An Act in addition to the act, entitled "An act to set off to the patentees and other purchasers, certain lands on the island of Chappaquiddic, in the county of Duke's county, and finally to adjust and determine all disputes between the said patentees and other purchasers and the Indians on said island, and to prevent cattle, horses, sheep, goats and swine from going at large on the said island at certain seasons of the year."

1829.

Sec. 1. *Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same*, That the guardian of the Indians on the island of Chappaquiddic, be, and he hereby is authorized to compel the patentees and other purchasers of lands on said island, or their heirs, to make and maintain the divisional fence, commonly called the Indian line fence between the lands of said Indians and the lands of said patentees and other purchasers, and their heirs, in like manner, and under like penalties and forfeitures as are provided by said act, and the acts in addition thereto: *Provided*, That if it should happen that said paten-

tees and other proprietors, or their heirs, have not a clerk, then <sup>Massachusetts</sup> said guardian shall cause a notice to said patentees and other <sup>1829.</sup> purchasers, or their heirs, to make and repair their respective proportions of said fence, to be posted up in some public and conspicuous place in the town of Edgartown, in said county, two months at least before he shall proceed to prosecute said patentees and other purchasers, or their heirs, to recover the forfeitures provided in the act to which this is an addition.

*Sec. 2. Be it further enacted,* That any act or parts of any act inconsistent with the provisions herein contained, be, and the same hereby is repealed. [*March 2, 1829.*]

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### CONNECTICUT.—1672.

An Act for the well ordering of the Indians, in their several places and plantations.

That some means may be used to convey the knowledge of <sup>Connecticut,</sup> God, and of his word, to the Indians and natives among us, <sup>1672.</sup>

*Be it enacted by the Governor, Council, and Representatives, in General Court assembled, and by the authority of the same,* That one or more of the teaching Elders of the churches in this jurisdiction, with the help of an able interpreter, shall be desired, as often as he may, in every year, to go among the neighboring Indians, and endeavor to make known to them the councils of the Lord; thereby to draw and stir them up to direct and order all their ways and conversations according to the rules of his word: and the Governor and Deputy Governor, and other magistrates, are desired to take care and see the thing attended, and, with their own presence, so far as may be convenient, to encourage the same.

*And it is further enacted, by the authority aforesaid,* That where any company of Indians do sit down near any town or English plantation, they shall declare who is their Sachem, or Chief; and that the said Sachem, or Chief, shall pay to the English such trespasses as shall be committed by any Indian or Indians in the said plantations adjoining, either by spoiling or killing of cattle or swine, either with guns, traps, dogs, or arrows, or by any other means, although they plead it was done by strangers, unless they can produce the party, and deliver him, or his goods, into the custody of the English; and that they shall pay double damage if it were done wittingly and voluntarily: the like engagement this Court also makes to them, in case of wrong or injury done to them by the English, which

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shall be paid by the party by whom it was done, if it can be made to appear, or else by the town in whose limits such facts are committed.

And to prevent inconveniences and troubles that may arise by the Indians coming into the English towns and plantations in the night season, and supplying themselves with liquors and prohibited goods,

*It is further enacted by the authority aforesaid,* That all and every Indian and Indians that shall be found passing and re-passing in any town in this Colony, after the shutting in of the evening, (except he or they shall give sufficient reason that there was necessity thereof) shall forfeit and pay the sum of *twenty shillings*, whereof *fifteen shillings* shall be to the county treasury, and *five shillings* to the complainer or complainers; or be whipt, not exceeding *six stripes*: any one assistant or justice of the peace, before whom any such complaint shall come, shall be, and is hereby, empowered to secure every such Indian or Indians, by committing them to prison, or setting a watch upon them, till he may hear and issue such complaints.

*And be it further enacted, by the authority aforesaid,* That no person or persons whomsoever, shall, directly or indirectly, sell, truck, barter, give, or deliver, to any Indian, any strong beer, ale, cyder, perry, wine, rum, brandy, or other strong liquors, by what name or names soever called or known, on pain of forfeiting the sum of *twenty shillings* for every pint, and proportionable for any greater or lesser quantity so sold, trucked, bartered, given, or delivered, to any Indian, directly or indirectly, as aforesaid, upon conviction thereof before any assistant or justice of the peace, where the penalty doth not exceed *forty shillings*, and if it exceed that sum, at the county court to be holden for the same county where the offence is committed; two-third parts of all such forfeitures to be to the county treasury, the remaining third part to him or them that shall prosecute the same by bill, plaint, or information: *Provided*, This act shall not be intended, or extend to restrain any act of charity for relieving any Indian (*bona fide*) in any sudden exigent of faintness, or sickness, not to exceed one or two drams, or by the allowance of an assistant or justice of the peace.

*And it is further enacted, by the authority aforesaid,* That every Indian or negro, servant or slave, that shall be convicted of the breach of this law, shall be openly whipt, not exceeding *ten stripes*, unless the master of such servant or slave shall answer the law by paying his or her fine: and every

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Indian convicted of drunkenness in the Colony, shall forfeit <sup>Connecticut,</sup> and pay the sum of *ten shillings*, whereof one half shall be <sup>1672.</sup> to the complainer or complainers, and the other half to the County Treasury, where the offence is committed, or else be openly whipped, not exceeding *ten stripes* for one offence, as the assistant or justice of the peace, before whom such conviction is, shall determine.

And for preventing of the breach of the Sabbath, by the Indians within this Colony:

*It is further enacted by the authority aforesaid,* That, if any Indian or Indians shall labour or play on the Sabbath day, within the limits of any English town, every such Indian, being thereof duly convicted, shall pay a fine of *five shillings*, whereof the one-half shall be to the complainer, the rest to the county treasury, or else set in the stocks *one hour*; any one assistant or justice of the peace to hear and determine the same.

*And be it further enacted by the authority aforesaid,* That no Indian or Indians shall, at any time, pawaw, or perform outward worship to false gods, or to the devil, within this Colony, on pain of forfeiting the sum of *five pounds* to the public treasury of this Colony, for every time any Indian or Indians shall be convicted of performing or doing the same.

And if any person or persons, of the age of twenty years or upwards, shall, at any time, be present at any Indian play or pawawing, at any of their general meetings, every such person shall forfeit the sum of *forty shillings*; and if any person shall join in playing with any Indian or Indians, or shall lay any wager with, or for, any Indian, about or concerning any such play or game, he shall forfeit and pay a fine of *ten pounds*; one moiety of these fines and forfeitures to be to the complainer, or complainers, and the other moiety to the treasury of the county in which such offence is committed.

And whereas, it is too manifest, that the Indians, notwithstanding all council and advice to the contrary, have committed, and still do proceed to commit murder, and kill one another, within the English plantations in this Colony, and take no course that such justice be executed on such malefactors as may take off the guilt of blood from the land: Which to prevent—

*It is further enacted by the authority aforesaid,* That, if any Indian or Indians, within this Colony, shall wilfully and violently fall upon any Indian or Indians, within this Colony, and upon the English land, (except it be such as they are at

open war with) and murder him or them, and be thereof legally convicted, every such Indian and Indians shall suffer the pains of death: And if the Indians shall not do just execution upon such murderer, or murderers, speedily, the next assistant or justice of the peace shall, forthwith, cause him or them to be apprehended, and without bail or mainprize, commit him or them to the common gaol, there to be secured for a trial, at the next court of assistants.

And to prevent damage that may come to Indians in their cornfields, by cattel belonging to the English—

*Be it further enacted by the authority aforesaid, That,* in each town in this Colony, where any Indians have any fenced fields, there shall be fence-viewers and apprizers, by such town chosen and appointed, who shall be sworn to view such Indian fence, and to apprise such damage, as may or shall be done in the Indian corn, by any English cattle, horses, or swine, and the judgment or apprizement of such viewers and apprizers shall be duly performed and answered by the owners of such cattle, horses, and swine, to the Indian or Indians damaged; and the Indians having such fields, are hereby allowed to make pounds within their said fields, to impound and secure cattle, horses, and swine, trespassing upon them; and the said Indian or Indians impounding any cattle, horses, or swine, shall, forthwith, give notice thereof to the Selectmen of that town in which such their field is, and to the Selectmen of the two next towns adjacent, of what cattle, horses, and swine, are impounded by them; and if the owners do not redeem their cattle, horses, and swine, so impounded, within twenty-four hours after notice to them given of the same, that then the Selectmen of that town to which such cattle, horses, or swine do belong, shall make sale of them, as shall answer such damages done to such Indian or Indians, by such cattle, horses, or swine, as aforesaid.

*And it is further enacted by the authority aforesaid, That* no person or persons in this Colony, whether inhabitants or other, shall buy, hire, or receive a gift or mortgage any parcel of land or lands, of any Indian or Indians for the future, except he or they do buy or receive the same for the use of the Colony, or for some plantation or village, or with the allowance of the General Court of this Colony.

And if any person or persons shall purchase or receive land of any Indian or Indians, contrary to the intent of this act, the person or persons so offending, shall forfeit to the public treasury of this Colony, the treble value of the land so purchased.

or received; and no interest or estate in any lands in this Co-<sup>Connecticut,</sup> lony, shall accrue to any such person or persons by force or <sup>1672.</sup> virtue of such illegal bargain, purchase, or receipt.

And upon consideration of the great inconvenience that doth ensue the trusting the Indians with goods and commodities, which, if not prevented, is like to prove extremely prejudicial to the English, and destructive to the Indians,

*Be it further enacted by the authority aforesaid,* That no person shall be allowed or admitted to prosecute before any assistant or justice of the peace or court of judicature in this Colony, any action of debt or detinue for any goods sold, lent, or trusted out, to any Indian or Indians whomsoever.

*Always provided,* That this act shall not be understood or interpreted to debar any person from the benefit of law, for the recovery of any rent due to him from any Indian or Indians, for land by him or them hired or improved.

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1717.

An Act concerning purchasers of native rights to land.

This Assembly observing many difficulties and perplexities <sup>1717.</sup> arising in this Government, by reason of many purchases of land made of Indian titles, without the preceding allowance or subsequent approbation of this Assembly: Which to remove,

*It is hereby enacted and declared by this Assembly, and the authority thereof,* That all lands in this Government are holden of the King of Great Britain, as the lord of the fee, and that no title to any lands in this Colony, can accrue by any purchase made of Indians, on pretence of their being native proprietors thereof, without the allowance and approbation of this Assembly.

*And it is hereby resolved,* That no conveyance of native right, or Indian title, without the allowance or approbation of this Assembly, as aforesaid, shall be given in evidence of any man's title, or pleadable in any court.

*And further it is resolved,* That (inasmuch as many such purchases have been made, and the persons who have so made them, or those who claim under them, may think they have hard measures, if they may not retain some considerable proportion thereof, or other lands in lieu thereof assigned to them,) John Hamlin, Esq. Mr. John Hooker, and Captain James Wadsworth, shall be a committee, or any two of them, by such ways and means as they shall think fit, to enquire into and gain a true understanding of all the claims aforesaid, and lay the true

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circumstances of all the said claims before the Assembly in October next, with what they may understand may be to the satisfaction of the claimers, either within the bounds of any town with the consent of the proprietors, or elsewhere, within the ungranted lands of this Colony, together with their opinion thereon; to this end, that the said Assembly may settle this whole affair, and proceed to the settlement of all the undisposed lands in this Colony, in such manner as shall then be determined, that all future troubles about our settlements may be avoided.

An Act for the more effectual well ordering of the Indians, and for the bringing of them to the knowledge of the gospel.—1717.

1717.

Whereas, pursuant to an act of the Assembly, holden in Hartford on the ninth day of May, in the present year one thousand seven hundred and seventeen: The Governor and Council have laid before this Assembly several measures for bringing the Indians in this Colony to the knowledge of the gospel, which was the avowed design of those that obtained the patent for this corporation, to hold the land and government of the Colony:

Upon consideration of which measures, the Governor and Company of this, his Majesty's colony, in General Court assembled, desirous of pursuing in the best manner the solemn professions of our predecessors, have enacted,

*And it is hereby enacted by the Governor, Council, and Representatives, in General Court assembled, and by the authority of the same,* That care be taken annually, by the authority of each town, to convene the Indians inhabiting in each town, and acquaint them with the laws of the Government for punishing such immoralities as they shall be guilty of, and make them sensible that no exemption from the penalties of such laws lies for them, any more than for other his Majesty's subjects.

And forasmuch as drunkenness and idleness may well be looked upon as amongst the strongest chains that hold them fast in their ignorance of, and prejudices against, the religion of the Gospel:

*Be it enacted, therefore, by the authority aforesaid,* That whosoever shall be convicted of selling any Indian strong drink, by the testimony of any one witness, with other strong circumstances, or by the accusation of any Indian, (unless such accused person shall acquit himself by oath) shall incur the penalty of *twenty shillings*: any assistant or justice of the

peace to hear and determine the same. And in case the said person so convict, shall appeal to the County Court, thereupon trial had, and judgment given against the appellant, (from which no appeal shall be allowed) the said appellant shall incur a further penalty, not exceeding *forty shillings*, nor under *twenty shillings*, to be laid by the said Court. And the penalties so incurred, shall be one-half to the prosecutor or informer, whether an Englishman or an Indian, and the other half to the treasury of the county where such person shall be convict. And all grand jurymen shall take diligent care to make presentment of any person or persons whom they shall know, or upon good grounds have reason to suspect, have sold drink to any Indian; contrary to this or any other act provided against the same.

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*And it is further provided*, That nothing in this act shall be taken to excuse any person whatsoever from any penalty whatsoever, which he may incur by virtue of any other law prohibiting selling of drink without license.

And forasmuch as idleness appears to be a great obstruction to the Indians receiving the gospel of truth, and it might very much conduce to their reformation, in that particular, if they were, by easy and agreeable methods, brought off from their pagan manner of living, and encouraged to make settlements in convenient places, in villages, after the English manner:

*It is hereby resolved*, That measures shall be used to form villages of the natives, wherein the several families of them should have suitable portions of land appropriated to them, so that the said portions shall descend from the father to his children, the more to encourage them to apply themselves to husbandry, and good diligence therein, for their support.

And whereas, there is a considerable tract of land in the township of New London, which is said to be suitable and sufficient to make such a village, and upon which there are now living the largest number of Indians that live together in any one place in this Government,

*Be it therefore enacted*, That Nathan. Gold, Esq. John Hamblin, Esq. Samuel Eells, Esq. Jona. Law, Esq. judges of the Superior Court, or any two or more of them, do make a view of said tract of land, visit the Indians living on it, take account of the number of their families and persons, of the quantity and quality of said land, with other circumstances thereof, in respect of any claims made thereto, or possession thereon, and lay a plan of the same before the General Court, for their further direction, that they may be the better enabled to proceed in forming a village of the said Indians there, and



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bringing them to such civil order, co-habitation, and industry, as may facilitate the setting up the gospel ministry among them. And that they view, and make report of all the land formerly sequestered to said Indians.

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1722.

An Act for preventing trespasses on the lands of this Colony, by illegal purchases thereof from the Indians, passed by the General Court or Assembly of Connecticut, in New Haven.

1722.

Whereas, this Assembly have been informed, that, notwithstanding the ancient laws of this Colony, some persons have pretended to purchase of Indians their rights as natives, of many considerable tracts of land lying within this Colony; and, although all such deeds, when obtained without the leave and consent of this Assembly, are, by the said law, declared to be, *ipso facto*, void; yet, under colour of such deeds, persons unacquainted with the said laws may be imposed upon, deceived, and greatly wronged, as well as the settlements of such lands in plantations, pursuant to the end expressed in our charter, hindered: For the prevention whereof,

*Be it enacted by the Governor, Council, and Representatives, in General Court assembled, and by the authority of the same,* That whoever shall presume to purchase any lands within the bounds of this Colony, of any Indians whatsoever, without the leave of this Assembly hereafter had and obtained, under colour and pretence of such Indians being the proprietors of said lands by a native right; or shall, having purchased of any Indians, lands in such manner, without leave of this Assembly first had, or the confirmation of this Assembly afterwards obtained, presume to make any sale of, or any settlements upon any lands so purchased, every person who shall in any such manner transgress, and be thereof convicted in the County Court or in the Superior Court of that county where such lands shall lie, shall incur the penalty of fifty pounds to the treasury of this Colony. And whatsoever person or persons shall suffer any wrongs by means of such sale or settlement as aforesaid, shall recover, in either of the said Courts, upon proof of such wrong by him suffered, treble damages against the person or persons so wronging of him.

[In the edition of *Laws of Connecticut of 1750.*]

An Act for preventing foreigners trading with and corrupting the Indians; and carrying on other evil and dangerous designs against this Colony.

*Be it enacted by the Governor, Council, and Representatives, in General Court assembled, and by the authority of the same,* That it shall not be lawful for any Frenchman, Dutchman, or any subject or vassal of any foreign prince or State, to trade with any Indian or Indians within the limits of this Colony, either directly or indirectly, by themselves or others, upon penalty of the forfeiture of such goods, wares, and vessels, as shall be found so trading, or traded, or the due value thereof, upon due proof made of any goods, wares, or merchandises, traded, or of any vessel belonging to any such foreigner so trading. <sup>Connecticut, 1750.</sup>

And it shall be lawful for any person or persons, inhabiting within this Colony, to seize, or cause to be seized, any such goods, wares, or merchandise, so traded, or such vessels so trading with the Indians, contrary to this act; and to prosecute to condemnation thereof, in any court of record in this Colony: the one moiety whereof shall belong to the party seizing or causing to be seized, and prosecuting, and the other moiety to the public treasury of this Colony.

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An Act for well ordering and governing the Indians in this Colony, and securing their interests and lands therein—[1750.]

Whereas, the bringing the Indians in this land to the knowledge and obedience of the only true God and Saviour of mankind, and the Christian faith, as well as to a civil and peaceable behaviour, was one great end professed by the first settlers of this Colony, in obtaining the royal charter; which profession this Court being always desirous in the best manner to pursue: Therefore, <sup>1750.</sup>

*Be it enacted by the Governor, Council, and Representatives, in General Court assembled, and by the authority of the same,* That the authority and selectmen of each town wherein there are any Indians living or residing, shall take care, and they are hereby directed, to endeavor to assemble and convene such Indians annually, and acquaint them with the laws of the Government made for punishing such immoralitys as they may be guilty of; and make them sensible that they are not exempted from the penalties of such laws, any more than his Majesty's other subjects in the Colony are. And

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forasmuch as drunkenness and idleness may be looked upon as a great means of holding them in ignorance of, and prejudiced against, the truths of religion: Therefore,

*Be it further enacted by the authority aforesaid, That no person or persons whatsoever, shall, directly or indirectly, sell, truck, barter, give, or deliver to any Indian, any strong beer, ale, cyder, perry, wine, rum, brandy, or other strong or spirituous liquors, by what name or names soever called or known, on pain of forfeiting the sum of ten shillings for every pint, and proportionable for any greater or lesser quantities so sold, trucked, bartered, given, or delivered to any Indian, directly or indirectly, as aforesaid, upon conviction thereof before any court, assistant, or justice of the peace, proper to try the same: one half of which penalties shall be to him or them, whether English or Indian, who shall inform and prosecute to effect; and the other half, where the case is tried before a single minister of justice, to the town treasury; but when tried before the county court, then to the county treasury of that county wherein such person shall be convicted. And all grand jurymen shall take diligent care to make inquiry after, and present all breaches of this act. And the testimony of one witness, with other strong circumstances, on the accusation of an Indian, (unless the person accused will acquit himself upon oath) shall be accepted as evidence sufficient to convict a person of the breach of this act: *Provided, nevertheless,* That nothing in this act shall be constructed to hinder or restrain any act of charity for relieving an Indian in any case of sickness or necessity. And every Indian convicted of drunkenness in this Colony, shall forfeit and pay the sum of five shillings, or else be openly whipped on the naked body, not exceeding ten stripes for one offence, as the assistant or justice before whom such conviction is, shall, in his discretion, determine. And if any Indian or Indians shall labour or play on the Sabbath or Lord's day, within the limits of any town in this Colony, and be thereof duly convicted, every such Indian shall forfeit the sum of three shillings, or else set in the stocks one hour, at the direction of the authority before whom the conviction is made.*

*And be it further enacted by the authority aforesaid, That if any Indian or Indians within this Colony, shall wilfully and violently fall upon any other Indian or Indians (except it be such as they are at open war with) and murder him or them, and be thereof legally convicted, every such murderer shall be put to death. And if the Indian shall not do just execution upon such murderer or murderers speedily, the next assistant or justice of the peace shall forthwith cause him or them to be*

apprehended, and committed to the common jail, without bail or mainprize; there to remain for a trial at the next Superior Court, who are hereby empowered to hear and determine the case according to the laws of the Colony. Connecticut,  
1750.

And whereas, many of the Indians in this Government put out their children to the English, to be brought up by them; and many times the persons having such children neglect to teach and instruct them in the principles of the Christian faith: Therefore,

*Be it further enacted by the authority aforesaid,* That every person in this Colony that hath taken, or shall hereafter take, any Indian children of this or the neighbouring Governments, into the care of their families, are hereby ordered to use their utmost endeavors to teach them to read English, and also to instruct them in the principles of the Christian faith, by catechising them, together with other proper methods.

And the selectmen and grand jurors in the respective towns, shall make diligent inquiry whether the Indian children that are, or may be put out, as aforesaid, are, by their masters and mistresses that have the care of them, instructed and taught as aforesaid. And if, upon inquiry, said officers shall find that any such master or mistress hath neglected their duty herein, after due warning given, such officers, or any two of them, shall inform the next assistant or justice of the peace thereof, who thereupon shall summon such master and mistress so informed against, to appear before him to answer thereto. And if, upon examination, it shall appear that such master or mistress hath neglected to teach and instruct any such Indian child or children put to them as aforesaid, they shall be fined at the discretion of said authority, not exceeding the sum of *thirty shillings*, to be to the use of the school in the town or society where the offender lives; and for every three months' neglect after that, shall suffer the same penalty as often as they shall be convicted thereof, for the use aforesaid. And to prevent fraud in getting Indians or their children bound out in service to the English,

*It is further enacted by the authority aforesaid,* That no indenture made by any Indian, shall be accounted good in the law, except it be acknowledged before authority.

*Be it further enacted by the authority aforesaid,* That no person shall be allowed or admitted to prosecute or recover before any court, assistant, or justice of the peace, any action of debt, or detinue, or of the case, for any goods sold, lent, or trusted out, to any Indian or Indians whatsoever: and every gun lent as aforesaid; to any Indian or Indians, shall be for-

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feited, one half to him that shall inform and prosecute to effect, and the other half to the county treasury where such prosecution shall be: *Provided*, nothing in this act shall be understood to debar any person from the benefit of the law, for the recovery of any rent due to him, from any Indian or Indians, for land by him or them hired or improved.

*And be it further enacted by the authority aforesaid*, That no person or persons in this Colony, whether inhabitants or other, shall beg, hire, or receive, a gift or mortgage of any parcel of land or lands of any Indian or Indians for the future, except he or they do buy or receive the same for the use of the Colony, or for some plantation or village, or with the allowance of the General Court of this Colony. And if any person or persons shall purchase or receive land of any Indian or Indians, contrary to the intent of this act, the person or persons so offending, shall forfeit to the public treasury of the Colony, the treble value of the land so purchased or received. And no interest or estate of any land in this Colony, shall accrue to any such person or persons, by force or virtue of such illegal bargain, purchase, or receipt. [This above paragraph, on the revisal of the laws, was enacted in October, one thousand seven hundred and two, to be in force from the first day of December then next following.] And on consideration of the Indians being ignorant of the English laws and custom about land,

*It is further enacted by the authority aforesaid*, That when and so often as any suit shall be brought by any Indian or Indians, for the recovery of any lands reserved by the Indians for themselves, or sequestered for the use and benefit of the Indians, by order of this Assembly, or by any town, agreeable to the laws of this Colony, that the defendant or tenant shall not be admitted to plead in his defence, his possession, or any way take benefit of the law, entituled "An act for the quieting mens' estates, and avoiding all suits," made May the eighth, one thousand six hundred and eighty-four. And to prevent damage that may come to Indians in their corn fields, by creatures belonging to the English,

*Be it further enacted by the authority aforesaid*, That in each town in this Colony, where any Indians have fenced fields, there shall be fence viewers and apprizers by such town chosen and appointed, who shall be sworn to view such Indian fence, and to apprize such damage as may or shall be done in their corn fields by any Englishman's cattle, horses, or swine; and the judgment or apprizement of such viewers and apprizers shall be observed and duly performed, and answered by

the owners of such cattle, horses, and swine, to the Indian or <sup>Connecticut,</sup> Indians damnified. And the Indians having such field, are <sup>1750.</sup> hereby allowed to make pounds within their said fields, to impound and secure horses, cattle, and swine trespassing upon them. And the Indian or Indians impounding any cattle, horses or swine, shall forthwith give notice thereof to the selectmen of that town wherein such field is, and to the selectmen of the two next adjacent towns, unless the owner is known, in which case notice shall be given to the owner; and if the owner doth not redeem his creatures so impounded, by paying the damage sustained, within twenty-four hours after notice to them given of the same: or if no owner appear within three days after notice given to the selectmen as aforesaid, then, in each of those cases, the selectmen of that town wherein such field is, shall make sale of such creatures, or so many of them as shall answer the damages done by such creatures, and pay said damage therewith.

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### 1808.

AN ACT for well ordering and governing the Indians in this State, and securing their interest.

[Though this act is printed in this edition as having been passed in the year 1808, the publishers believe it was originally passed in 1750, but revised and re-enacted in 1808.]

Sec. 1. *Be it enacted by the Governor and Council, and House of Representatives, in General Court assembled,* That <sup>1808.</sup> it shall be the duty of the civil authority and selectmen of such towns, wherein are any tribe of Indians, to take care that they be well acquainted with the laws of the State, made for punishing such immoralities as they may be guilty of; and make them sensible that they are liable to the penalties in case they transgress the laws.

Sec. 2. And any Indian that shall be guilty of wilfully murdering any other Indian, shall be put to death, on being thereof convicted before the Superior Court.

Sec. 3. And every Indian that shall be convicted of drunkenness, shall pay a fine of eighty-four cents, or be set in the stocks not exceeding two hours, nor less than one hour.

Sec. 4. And every Indian that shall be convicted of profaning the Sabbath or Lord's day, by unnecessary labour or play, shall pay a fine of fifty cents, or sit in the stocks one hour, at the discretion of the authority before whom the conviction is.

Connecticut,  
1808.

Sec. 5. And if any person shall sell or give any strong or spirituous liquor to any Indian in this State, such person shall, for every such offence, pay a fine of one dollar and sixty-seven cents for every pint, and in proportion for any greater or lesser quantity of such liquor so sold or given to any Indian. And the accusation of an Indian, and other strong circumstances, shall be sufficient evidence to convict any person of the breach of this paragraph, unless the person accused shall acquit him or herself on oath: *Provided*, That nothing in this act shall be construed to hinder or restrain any act of charity for relieving any Indian in case of sickness or necessity.

Sec. 6. That no indenture or contract made by any Indian for binding out any of their children, shall be valid in law, except approved by, and acknowledged before, an assistant or justice of the peace, which authority shall see that justice be done therein.

Sec. 7. That it shall be the duty of every person who shall take an Indian child or children to bring up, to teach him or them to read; and also, to instruct them in the principles of the Christian religion, by catechising or otherwise.

Sec. 8. That any person who shall neglect his or her duty therein, and be thereof convicted, shall pay a fine not exceeding five dollars, on one conviction, at the discretion of the authority before whom the conviction is: and if such person shall continue to neglect to instruct such child or children (they being capable to learn) it shall be the duty of the selectmen, and they are hereby empowered, by and with the advice of an assistant or justice of the peace, to remove such child or children, and bind him or them to some other person, who will take proper care for their instruction as aforesaid.

Sec. 9. That no judgment shall be rendered against any Indian for any debt, or any contract, except for rents of lands hired and occupied by such Indian.

Sec. 10. *And be it further enacted*, That no person or persons in this State, whether inhabitants or other, shall buy, hire, or receive a gift or mortgage of any parcel of land or lands of any Indian, for the future, except he or they do buy or receive the same for the use of the State, or for some plantation or village, and with the allowance of the General Assembly of this State.

Sec. 11. And if any person or persons shall purchase or receive lands of any Indian or Indians, contrary to the intent of this act, the person or persons so offending, shall forfeit to the public treasury of this State the treble value of the lands so purchased or received; and no interest or estate in any lands

in this State, shall accrue to any such person or persons, by force or virtue of such illegal bargain, purchase, or receipt. Connecticut,  
1808.

Sec. 12. *It is further enacted*, That when, and so often as any suit shall be brought by any Indian or Indians, for the recovery of any lands reserved by the Indians for themselves, or sequestered for the use and benefit of the Indians; by order of this Assembly, or by any town, agreeable to the laws of this State, that the defendant or tenant shall not be admitted to plead in his defence his possession, or any way take benefit of the law, entitled "An act for the quieting men's estates, and avoiding of suits," made May the eighteenth, one thousand six hundred and eighty-four.

Sec. 13. And to prevent damage that may come to Indians in their cornfields, by creatures belonging to other people,

*Be it further enacted*, That in each town in this State where any Indians have fenced fields, there shall be fence-viewers and appraisers by such town chosen and appointed, who shall be sworn to review such Indians' fence, and to appraise such damage as may or shall be done in their corn-fields by any cattle, horses, or swine; and the judgment and appraisal of such viewers or appraisers, shall be observed and duly performed, and answered by the owners of such cattle, horses, and swine, to the Indian or Indians damnified.

Sec. 14. And any Indians having such fields, are hereby allowed to make pounds within their said fields, to impound and secure horses, cattle, and swine trespassing upon them.

Sec. 15. And the Indian or Indians impounding any cattle, horses, or swine, shall forthwith give notice thereof to the selectmen of that town, wherein such field is, and to the selectmen of the two next adjacent towns, unless the owner is known, in which case, notice shall be given to the owner; and if the owner doth not redeem his creatures so impounded, by paying the damage sustained within twenty-four hours after notice to them given of the same; or if no owner appear within three days after notice given to the selectmen as aforesaid, then, in each of those cases, the selectmen of that town wherein such field is, shall make sale of such creatures, or so many of them as shall answer the damages done by such creatures, and pay said damage, and the charges therewith, and return the overplus, if any, to the owner.

[Revised and enacted in 1821.]

An Act for the protection of Indians, and the preservation of their property.

Sec. 1. *Be it enacted by the Senate and House of Representatives, in General Assembly convened*, That an overseer 1821.



Connecticut,  
1821.

shall be appointed to each tribe of Indians living within the limits of the State, by the county court, in the county in which such tribe resides, who shall have the care and management of their lands, and see that they are husbanded for the best interests of the Indians, and applied to their use and benefit.

Sec. 2. The overseer of each tribe of Indians shall annually state and settle his account of the concerns of such tribe, with the county court in the county within which such tribe resides; and on failure thereof, or for any neglect of duty, such county court may remove him from office, and appoint another in his place; and such court may, at any time, call such overseer to account.

Sec. 3. If any person shall purchase, hire, or receive, by gift or mortgage, any land from any Indian or Indians, he shall forfeit treble the value of the land to the treasury of the State, and the bargain and conveyance shall be absolutely void.

Sec. 4. If any person shall sell or give any spirituous liquor to any Indian, he shall, for every such offence, pay a fine of *two dollars*, to the use of the town where the offence is committed, for every pint, and in the same proportion for every greater or less quantity: *Provided*, That this shall not be construed to prevent or restrain any acts of charity for relieving an Indian, in case of sickness or necessity.

Sec. 5. No judgment shall be rendered against an Indian for any debt or any contract, except for rent of land hired and occupied by such Indian.

Sec. 6. In a suit brought by any Indian or Indians for the recovery of lands reserved by Indians for themselves, or sequestered for their use by the General Assembly, or by any town, agreeably to law, the defendant shall not be permitted to avail himself of a possession for fifteen years, or more, to make out a title.

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### RHODE ISLAND.—1663.

An Act for the preventing of illegal and clandestine purchases of the native Indians in this Colony.

Rhode Island,  
1663.

Forasmuch as divers persons have made purchases of lands in this Colony of the Indians, without the consent or approbation of the General Assembly, which manifestly tends to the defrauding and manifest injury of such native Indians, as well as defeating the just rights of this Colony:

*Be it therefore enacted by the General Assembly, and the Rhode Island; authority of the same,* That no person or persons, for the <sup>1668.</sup> future, shall purchase any lands or islands within this Colony, of or from the native Indians within the same, but such only as are so allowed to do by the General Assembly, upon penalty of forfeiting all such lands or islands so purchased, to this Colony; and to pay for every such purchase by them so made, the sum of twenty pounds, as a fine to and for the use of the Colony; and all such purchases shall be esteemed and adjudged null, void, and of none effect.

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### 1696.

An Act for preventing of any intrusion into the lands in the Narragansett country.

Whereas, sundry persons have settled themselves and families <sup>1696.</sup> in the Narragansett country, without any legal title to any land therein, and without the consent and approbation of the General Assembly of this Colony: for the preventing the ill consequences thereof, and the like intrusions for the future,

*Be it enacted by the General Assembly, and by the authority of the same,* That all possessions of any lands in the Narragansett country, obtained by intrusion, without the consent and approbation of the General Assembly, be deemed and adjudged illegal and void in law, and shall not give unto such possessors any right, title, interest, property, or claim therein, or thereunto; and the assistants and justices of the peace of the county of Kingstown, westerly, and East Greenwich, shall return the names of all such persons that have intruded as aforesaid, (or that shall intrude thereon hereafter) to the General Assembly, from time to time, that they may, in such legal manner as they shall think fit, order the removal of such intruders, and preserve the just rights of this Colony thereunto.

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An Act prohibiting negroes and Indians from being abroad at unseasonable times of night, and for punishing those that shall entertain them contrary hereto.

Whereas, divers thefts and robberies have been committed <sup>1696.</sup> in the night time by negroes and Indians, within this, as well as in the government adjoining: for preventing whereof,

*Be it enacted by the General Assembly, and by the authority of the same,* That if any negroes or Indians, freemen or slaves, shall be found abroad after nine o'clock at night, at

Rhode Island,  
1696.

any time throughout the year, without a certificate from their masters, or some other English person of the family to the which he, she, or they, belong, or some lawful excuse for the same, that then it shall and may be lawful for any person or persons to take, seize, and secure the same till next morning, and then bring them before an assistant or justice of the peace of such town, who shall, upon due proof thereof cause said negro or negroes, Indian or Indians, to be publicly whipped at the public whipping post of such town where such offence shall be committed, not exceeding fifteen stripes, unless their incorrigible behaviour deserve more; and the persons so convicted, if freemen, shall pay the charge of prosecution, &c. and if slaves, the owner or owners thereof shall pay the same; and if the owner or owners of any such slave or slaves shall refuse so to do, that then the assistant or justice, &c. shall grant forth a warrant of distress to a constable of said town, to distrain so much of his or their goods as will satisfy and pay the same.

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1718.

An Act to prevent Indians being sued for debt.

1718.

Whereas, several persons in this Colony, out of wicked, covetous, and greedy designs, often draw Indians into their debt, and take unjust advantages of their inordinate love of rum and other strong liquors, by selling the same to them, or otherwise take advantages by selling them other goods at extravagant rates, upon trust, whereby said Indians have been impoverished, to the dishonor of this Government: for the preventing thereof for the future,

*Be it enacted by the General Assembly of this Colony, and it is hereby enacted,* That from and after the publication of this act, no process shall be granted, nor suit be received or lie before any justice or justices of the peace, assistants of courts of trials in this Colony, against any Indian or Indians for debt, to be made or contracted by such Indian or Indians, at any time or times after the publication hereof; and that no Indian shall be bound an apprentice or servant to any of his Majesty's subjects, without the consent, allowance, and approbation of two justices of peace of this Colony, and for good consideration therefor, and testified to, under the hands of such justices; any law, custom, or usage, to the contrary in any wise notwithstanding.

1783.

An Act confirmatory of the tenure of lands belonging to the Narragansett tribe of Indians, and for other purposes therein mentioned.

Whereas, the tenure of lands belonging to the Narragansett Rhode Island, tribe of Indians in this State, is derived to them from their an- 1783. cestors, and depends upon tradition and usage among themselves; and whereas, it is proper that said tenure should be secured to them by statute:

Sec. 1. *Be it therefore enacted by the General Assembly, and by the authority thereof it is enacted,* That said tenure, as evidenced by their tradition and usages, be, and hereby is, declared the legal tenure of said land, and be, and is hereby confirmed accordingly.

Sec. 2. *And be it further enacted,* That it shall not be lawful for any person whomsoever, except the members of said tribe, to cut down, take, or carry away from any of the lands belonging to said tribe, any tree, timber, or wood of any kind whatever, nor aid or assist therein; and if any person or persons shall commit any such trespass, he, she, or they, shall be liable to an action of *quare cluvisum fregit*, to be commenced and prosecuted by and in the name of the treasurer of said tribe, for the time being, before any court competent to try the same; and if found guilty, shall pay four times the value of the trees, timber, or wood by him, her, or them so cut down, taken, or carried away as aforesaid, and double costs.

Sec. 3. *And be it further enacted,* That no writ or process at law shall be brought against the said tribe, or any individual thereof, for the recovery of any debt contracted subsequently to the passing of this act; that it shall be the duty of all courts and justices in the State, in case any such writ or process be brought, to dismiss the same, and adjudge double costs against the plaintiff.

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An Act to prevent impositions upon Indians of the Narragansett tribe.

Whereas, it is represented unto this Assembly, that unjust 1783. advantages are frequently taken of the Indians of the Narragansett tribe within this State, by inducing them to sign and execute notes, bonds, and other instruments for the payment of money or delivery of articles, whereby they are often involved in the payment of large debts which are not *bona fide* due: to prevent which,

Rhode Island, 1788. *Be it enacted by the General Assembly, and by the authority thereof it is enacted,* That in every action already brought, or which shall be brought, on any note, bond, or other instrument given or entered into by any of the said Indians for the payment of money, or delivery of articles, proof shall be made of full and just value having been paid for the same, before judgment shall be made up by any court of law in favor of the person or persons bringing such action; and for want of such proof, such action shall be dismissed with cost.

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1801.

An Act to prevent impositions upon the Narragansett tribe of Indians, in the sale of liquors.

1801: *Be it enacted by the General Assembly, and by the authority thereof it is enacted,* That no person or persons shall sell to any of said tribe, or to any person of color intermarried with one of said tribe, any ardent spirits, wine, cider, or other intoxicating liquors, on credit; and that all contracts and securities made or given in consideration of a sale or sales of liquor as aforesaid, shall be utterly void and of no effect.

Sec. 2. *And be it further enacted,* That no promissory note or other security or obligation made or executed by any of said tribe or persons of color connected with said tribe as aforesaid, shall be given in evidence in any court of law against the maker or makers thereof, unless the same shall be allowed and approved of in writing, by Enoch Crandall, the committee and treasurer of said tribe, or his successor in that office.

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1803.

An Act relative to poor prisoners of the Narragansett tribe.

1803. *Be it enacted by the General Assembly, and by the authority thereof it is enacted,* That any person of the Narragansett tribe of Indians, committed to gaol for debt upon mesne process or execution, shall be considered as a poor prisoner within the true intent and meaning of the act, entitled "An act to amend the act, entitled 'An act relating to bail on mesne process in civil actions, and for the relief of poor prisoners for debt,'" notwithstanding such prisoners may have estate, real or personal, in common with the said tribe, or otherwise, and shall be entitled to, and may receive, all the benefits and advantages of said act.

**Sec. 2.** *And be it further enacted,* That when any person of said tribe shall remain committed to gaol for debt, on mesne process or execution, for the term of one week or more, and the creditor or creditors of such person shall neglect or refuse to pay the gaol-keeper the sum of one dollar per week for the board of such person; the gaol-keeper shall and may have and maintain an action of the case against the creditor or creditors at whose suit or suits such person has been or may be committed, in which he shall recover of such creditor or creditors, for the board of such person, at and after the rate of one dollar per week, and in like manner shall and may recover for the further board of such person, as the same shall grow due; and that this act shall operate and be in force, in the cases of such poor prisoners as are now in gaol, as well as in cases of those who shall hereafter be committed. Rhode Island, 1803.

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### 1812.

An Act to prevent trespasses upon the lands belonging to the Narragansett tribe of Indians.

Whereas, Augustus Harry, Gideon Nocke, Joseph Cummock, Benjamin Seketer, and John Harry, members of the Council of the Narragansett tribe of Indians in Charleston, have, in behalf of said tribe, by their petition, represented to the General Assembly that great waste is committed on their lands, under leave given by the individuals of said tribe, and praying for legislative relief:

*Be it therefore enacted by the General Assembly, and by the authority thereof it is enacted,* That it shall not be lawful for any person or persons whomsoever, except the members of the Narragansett tribe of Indians, to cut down, take or carry away from any of the lands belonging to said tribe, any tree, timber, or wood, of any kind whatever, until the further order of the General Assembly, nor aid nor assist therein; and that if any person or persons shall commit any such trespass, he, she, or they shall be liable to an action *quare clausum fregit*, to be commenced and prosecuted by and in the name of the treasurer of said tribe, for the time being, before any court competent to try the same; and if found guilty, shall pay four times the value of the trees, timber, or wood, by him, her, or them so cut down, taken, or carried away as aforesaid, and double cost.

[The following extracts are taken from a Digest of the laws of Rhode Island, re-enacted and published in the year 1822.]

Extract from an act for the relief of poor persons imprisoned for debt.

Rhode Island, 1822. *Sec. 2. And be it further enacted,* That any one of the Narragansett tribe of Indians, committed to jail for debt, upon meane process or execution, shall be considered as a poor prisoner within the true intent and meaning of this act, notwithstanding such prisoner may have estate, real or personal, in common with the said tribe, or otherwise; and shall be entitled to, and may receive, all the benefits and advantages hereof.

Extract from an act providing for the relief, support, employment, and removal of the poor.

1823. *Sec. 18. And be it further enacted,* That if any Indian of the Narragansett tribe shall reside in any town in this State, and shall become, or be likely to become, chargeable to such town, it shall be lawful for any one of the overseers of the poor, and the town-council of such town, to cause such Indian to be removed to the said tribe, in the manner provided for the removal of paupers, by the eighth and tenth sections of this act, and there deliver him or her to the treasurer of said tribe, and leave an authentic copy of the order of removal with the said treasurer; and if said treasurer shall refuse to accept such poor Indian, he shall forfeit the sum of twenty dollars, to be recovered in like manner, and for the same use as is provided in the said eighth section of this act: and if the treasurer of said tribe shall think the said tribe aggrieved at the determination and order of the town-council for the removal of such poor Indian, it shall be lawful for him, in the behalf of said tribe, to appeal to the same court, and in the same manner as is provided in the ninth section of this act; and that the said court shall have the same power in the premises, as is there provided: and if any Indian who shall be sent out of any town, agreeably to this act, shall voluntarily return thither again, without leave first obtained of the town-council for so doing, he or she shall forfeit the same penalty, and be subject to the same punishment as is prescribed in the twelfth section of this act.

## NEW HAMPSHIRE—1715.

An Act to prevent and make void clandestine and illegal purchases of lands from the Indians.

Sec. 1. *Be it enacted by His Excellency the Governor, New Hampshire—1715.* Council, and Representatives, in General Assembly convened, and by the authority of the same, That all deeds of bargain, sale, lease, release, or quit claim, titles, and conveyances whatsoever, of any lands, tenements, or hereditaments, within this province, as well for term of years as forever, had, made, gotten, procured, or obtained from any Indian or Indians, by any person or persons whatsoever, at any time or times since the year of our Lord, one thousand seven hundred, without the license or approbation of the General Assembly of this province; and all deeds of bargain and sale, titles, and conveyance whatsoever, of any lands within this province, which hereafter shall be had, made, obtained, gotten, or procured, from any Indian or Indians, by any person or persons whatsoever, without the license, approbation, or allowance, of the General Assembly of this province for the same, shall be judged in the law to be null, void, and of none effect, to all intents and purposes, as though they had never been made.

Sec. 2. *And be it further enacted by the authority aforesaid,* That if any person or persons whatsoever, shall, after the publication of this act, presume to make any purchase, or obtain any title from any Indian or Indians, for any lands, tenements, or hereditaments within this province, contrary to the true intent and meaning of this act, such person or persons so offending, and being thereof duly convicted in any of his Majesty's courts of record within this province, shall be punished by fine and imprisonment, at the discretion of the court where the conviction shall be, not exceeding double of the value of the land so purchased, and not exceeding six months imprisonment.

## MAINE—1821.

An Act for the regulation of the Penobscot and Passamaquoddy tribes of Indians.

*Be it enacted by the Senate and House of Representatives Maine—1821.* in Legislature assembled, That the Governor, by and with the advice of the Council, be, and he hereby is authorized and empowered to appoint, during pleasure, one or more, not exceeding three persons, to be agents for the Penobscot tribe of Indians.



**Maine—1821.** *Sec. 2. Be it further enacted,* That the Governor be, and he hereby is authorized to appoint, as aforesaid, one or more, not exceeding three persons, to be agents for the Passamaquoddy tribe of Indians.

*Sec. 3. Be it further enacted,* That the agent or agents appointed as aforesaid, for the Penobscot tribe of Indians, shall provide, furnish, pay, and deliver, to the said Indians, for and on account of this State, all such articles, goods, provisions, and moneys, as shall from time to time become due them by virtue of any treaty or agreement now existing, or that may hereafter exist between them and this State.

*Sec. 4. Be it further enacted,* That the persons appointed agents for either of said tribes, as aforesaid, shall be sworn or affirmed to, and shall give bonds to the State, with sufficient surety or sureties, to the satisfaction of the Governor and Council, for the faithful discharge of the trust reposed in them by this act, and shall have the care and management of their property, for the use and benefit of said Indians. And all contracts and bargains of every kind, relative to the sale or disposal of trees, timber, or grass, growing or being on said Indians' land, and all leases or other contracts relative to the improvement of lands which any person may obtain from said Indians, shall be void and of no effect, unless the same shall be examined and approved by the person or persons acting as agents, as aforesaid. And no lease of land, or contract for trees, timber, or grass, shall have effect for a longer term than one year; nor shall the agents for either of said tribes, sell or dispose of the trees or timber of said Indians, to an amount exceeding five hundred dollars in any one year.

*Sec. 5. Be it further enacted,* That the agent or agents for either of said tribes, in his or their names, and in said capacity, may maintain any proper action or actions for any sum due any Indian or Indians of their respective tribes, or for any injury done to them or their property; and all property or money received or recovered by said agents, in their said capacity, shall be by them distributed among the Indians of the tribe for which they are agents, according to their usages, rights, and interest, or otherwise vested in such articles as shall be most useful to said Indians.

*Sec. 6. Be it further enacted,* That the person or persons appointed agents, as aforesaid, shall keep a true record of their proceedings relative to the trust reposed in them by this act, and correct accounts of all receipts and expenditures of all moneys and other property that shall come to their hands as such agents, and shall lay the same before the Governor and

Council, for inspection and settlement, at least once in every Maine—1821. year, and oftener, if required, who are hereby authorized to adjust and settle the same.

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### 1826.

An additional act for the regulation of the Penobscot and Passamaquoddy tribes of Indians.

*Be it enacted by the Senate and House of Representatives in Legislature assembled,* 1826. That the agent or agents of the Penobscot tribe of Indians be authorized, for the use of said tribe, to lease any of the islands belonging to any of the said tribe, for any term of years not exceeding twelve, and to sell and dispose of the burnt and decaying timber upon the two Indian townships on the west branch of Penobscot river, for the benefit of such tribe, as said agent or agents may think for their interests: *Provided,* That such leases and sales, together with the terms and conditions of the same, be assented to by the Governor or Lieutenant Governor of the tribes, and approved by the Governor of the State, any thing in the act to which this is additional, to the contrary notwithstanding; the said agent or agents to be sworn, (or affirmed) and give bonds with surety, for the faithful performance of the trust hereby reposed in them, as required by the act to which this is additional, and to keep a true record of their proceedings and accounts, to render and adjust the same, as required by said act.

Sec. 2. *Be it further enacted,* That it shall be the duty of the agent or agents of the Penobscot tribe of Indians, to place in the treasury of the State the avails of the leases and sales, as provided for in this act, subject to the order of the Governor and Council, whenever, in their opinion, the situation of said tribe require its appropriation for their benefit; and all leases and sales on credit, shall be at the risk of said agents, and accounted for in money.

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### NEW YORK—1777.

#### *Constitution.*

And whereas, it is of great importance to the safety of this New York, State, that peace and amity with the Indians within the same 1777. be at all times supported and maintained: And whereas, the frauds too often practised towards the said Indians, in contracts made for their lands, have, in divers instances, been productive of dangerous discontents and animosities:

New York,  
-1777.

*Be it ordained,* That no purchases or contracts for the sale of lands made since the fourteenth day of October, in the year of our Lord one thousand seven hundred and seventy-five, or which may hereafter be made with any of the said Indians, within the limits of this State, shall be binding on the said Indians, or deemed valid, unless made under the authority, and with the consent, of the Legislature of this State.

1783.

An Act for Indian affairs.

1783.

Whereas, it is necessary that commissioners should be appointed to manage Indian affairs within this State :

*Be it therefore enacted by the people of the State of New York represented in Senate and Assembly, and it is hereby enacted by the authority of the same,* That it shall be lawful for the person administering the government of this State for the time being, by and with the advice and consent of the council of appointment, to appoint three commissioners for Indian affairs within this State, with power and authority to superintend the conduct and affairs of the Indians, and to perform such acts and things respecting them, as from time to time shall be ordered and directed by the Legislature.

And whereas, the Oneida and Tuscarora tribes inhabiting within this State, have been distinguished for their attachment to the cause of America, and have thereby entitled themselves to protection; and the said tribes, by their humble petition, having prayed that their lands may be secured to them by the authority of the Legislature; and it being just that such a settlement should be made of the territorial claims of the said tribes, as will give them reasonable satisfaction and secure their future tranquillity :

Sec. 2. *Be it therefore further enacted by the authority aforesaid,* That it shall and may be lawful to and for the said commissioners, and they are hereby authorized and required, to examine into and ascertain the claims of the said Oneida and Tuscarora tribes, and to devise such measures, and make and enter into such propositions and agreements, to secure their contentment and tranquillity, as to the said commissioners shall appear just and proper: *Provided, always,* That no proposition or agreement for the purposes aforesaid, shall be deemed to be conclusive, until the same shall be reported to, and ratified by, the Legislature.

1788.

An Act to punish infractions of that article of the Constitution of this State, prohibiting purchases of lands from the Indians, without the authority and consent of the Legislature, and more effectually to provide against intrusions on the unappropriated lands of this State.

Whereas, by the thirty-seventh section of the Constitution of this State, reciting that it is of great importance to the safety of this State, that peace and amity with the Indians within the same be at all times supported and maintained; and that the frauds too often practised towards the said Indians, in contracts made for their lands, have, in divers instances, been productive of dangerous discontents and animosities; it is ordained, that no purchases or contracts for the sale of lands, made since the fourteenth day of October, one thousand seven hundred and seventy-five, or which might thereafter be made with, or of the said Indians within the limits of this State, shall be binding on the said Indians, or deemed valid, unless made under the authority, and with the consent of the Legislature of this State. In order, therefore, more effectually to provide against infractions of the Constitution in this respect,

1. *Be it enacted by the people of the State of New York, represented in Senate and Assembly, and it is hereby enacted by the authority of the same,* That if any person shall hereafter, unless under the authority, and with the consent of the Legislature of this State, in any manner or form, or any terms whatsoever, purchase any lands within the limits of this State, or make contracts for the sale of lands within the limits of this State, with any Indian or Indians residing within the limits of this State, every person so purchasing, or so making a contract, shall be deemed to have offended against the people of this State, and shall, on conviction, forfeit one hundred pounds to the people of this State, and shall be further punished by fine and imprisonment, in the discretion of the court.

2. *And be it further enacted by the authority aforesaid,* That every person who shall hereafter give, convey, sell, demise, or otherwise dispose of, or offer to give, convey, sell, demise, or otherwise dispose of any lands within the limits of this State, or any right, interest, part, or share, of or in any lands within the limits of this State, or intrude, or enter on, or take possession of, or settle on any lands within the limits of this State, pretending or claiming any right, title, or interest in such lands, by virtue, under colour, or in consequence of any purchase from, or contract for the sale of lands made with any such Indian or Indians as aforesaid, at any time since the fourteenth day of October, one thousand seven hundred and

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seventy-five, and not under the authority, and with the consent of the Legislature of this State, every such person shall be deemed to have offended against the people of this State, and shall, on conviction, forfeit the sum of one hundred pounds to the people of this State, and be further punished by fine and imprisonment, in the discretion of the court.

3. *And be it further enacted by the authority aforesaid,* That if any persons other than Indians, shall, after the passing of this act, take possession of, or intrude or settle on any of the waste or ungranted lands of this State, lying eastward of the lands ceded by this State to the Commonwealth of Massachusetts, and westward of the line or lines commonly called the Line of Property, agreed on between the Indians and the superintendent of Indian affairs, in the year one thousand seven hundred and sixty-eight, every person so taking possession of, or intruding or settling on any such waste or ungranted lands, within the limits aforesaid, shall be deemed as holding such lands by a foreign title, against the right and sovereignty of the people of this State; and it shall and may be lawful for the person administering the government of this State for the time being, and it is hereby declared to be his duty to remove, or cause to be removed, from time to time, by such means, and in such manner as he shall judge proper, all persons other than Indians, who shall so take possession of, or settle or intrude on any of the waste or ungranted lands of this State, within the limits aforesaid, and to cause the buildings or other improvements of such intruders on such lands, to be destroyed; and for that purpose, in his discretion, to order out any proportion of the militia from any part of this State, and such an occasion to be deemed an emergency, intended in the second section of the act, entitled "An act to regulate the militia," passed the fourth day of April, 1786. And the detachments so from time to time to be ordered out, shall receive the same pay and rations, and be subject to the same rules and regulations, as is provided in the said section of the said act.

4. And for defraying the expenses of paying and subsisting the militia, so from time to time to be ordered out, and of the contingencies to arise in such services, *Be it further enacted by the authority aforesaid,* That it shall be lawful for the person administering the government of this State for the time being, from time to time, by warrant under his hand, to draw from the treasury of this State, such sum and sums of money as he shall deem necessary, not exceeding two thousand pounds: And the treasurer is hereby required, out of any monies he may have in the treasury, forthwith to answer every

such warrant, any other appropriation of the monies in the <sup>New York,</sup> treasury, except appropriations to private persons in discharge <sup>1788,</sup> of contracts, notwithstanding. And every person to be appointed or intrusted by the person administering the government, with the expenditure of any of the said monies, shall be responsible to the people of this State for the respective expenditures, and shall account with the auditor of this State accordingly.

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### 1790.

An Act more effectually to protect certain tribes of Indians residing within this State from frauds.

*Be it enacted by the people of the State of New York, 1790. represented in Senate and Assembly, and it is hereby enacted by the authority of the same,* That no person shall sue, prosecute, or maintain an action arising on a bond, bill, note, promise, or other contract whatsoever, hereafter to be executed or made against any Indian residing on lands reserved to the Oneidas, Onondagas, or Cayugas; and every person who shall sue or prosecute any such Indian contrary to this act, shall be subject to pay treble costs to the party aggrieved: And this act is hereby declared to be a public act: *Provided,* That this act shall not affect any contracts to be made before the first day of July next.

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### 1791.

An Act for the relief of the Indians residing in Brother-town and New Stockbridge.

*Be it enacted by the people of the State of New York, re-1791. presented in Senate and Assembly, and it is hereby enacted by the authority of the same,* That it shall and may be lawful for the male Indians residing in Brother-town and New Stockbridge, above the age of twenty-one years, on the first Tuesday in April next, and on the first Tuesday in April in every year thereafter, to meet together, and by plurality of votes to choose a clerk, whose business it shall be to preside and keep order at the said meetings, and to enter in a book such of the proceedings of the said meetings as are by this act directed.

2. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for the said Indians so assembled, to choose annually a person to be called a marshal, whose

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business shall be to execute the orders of the trustees hereafter to be chosen.

3. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for the said Indians so assembled, to choose annually three persons as trustees, to lay out such part of the lands in Brother-town or New Stockbridge, for the separate improvement of the several families of Indians residing in Brother-town, as shall be deemed necessary by the said trustees so to be chosen.

4. *And be it further enacted by the authority aforesaid,* That the said trustees shall lay out for each family a sufficient quantity of land for a separate improvement, and shall cause the bounds of each improvement to be properly marked and distinguished, and the description thereof to be entered in the clerk's book.

5. *And be it further enacted by the authority aforesaid,* That every person having a separate improvement so laid out to him by the said trustees, and entered in the said clerk's book, the same shall remain to such person and his family for improvement, and shall enable such person to maintain an action for any trespass which may be committed by any white person or persons on the lands so laid out to him or her for improvement, in any court having cognizance of the same.

6. *And be it further enacted by the authority aforesaid,* That the said trustees so to be chosen by and with the consent of the Mayor of the city of Albany, for the time being, shall have liberty to lease out to any person or persons such quantity of the undivided lands in Brother-town or New Stockbridge, (and not laid out for improvement as aforesaid) as a majority of the votes at the said meeting shall agree on, not exceeding six hundred and forty acres, for any term not exceeding twenty-one years, for the use of the inhabitants of Brother-town and New Stockbridge, the rents reserved to be applied by the said trustees and their successors, for the maintaining a minister and free school for the instruction of Indians, which said leases shall be recorded in the clerk's book.

7. *And be it further enacted by the authority aforesaid,* That the said trustees and their successors are hereby authorized and empowered to bring actions for any trespass committed by any white person, on any of the undivided lands in Brother-town or New Stockbridge, and not laid out for improvement, or leased for the use of a minister and school as aforesaid.

8. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful, on complaint of any Indian

against another Indian or Indians, (of a trespass, debt, or other <sup>New York,</sup> matter or thing cognizable before a justice of the peace) to <sup>1791.</sup> them the said trustees for the said trustees, by an order directed to the said marshal, to cause the parties to come before them with their witnesses, at such time and place as they shall appoint; and after hearing the parties and their witnesses, shall give such judgment as to them shall be deemed just and equitable: *Provided*, the judgment in no cause shall exceed twenty shillings, and shall enter the same judgment in the clerk's book.

9. *And be it further enacted by the authority aforesaid*, That if such judgment shall not be satisfied in forty days after the same is given, the said trustees shall order the said marshal to levy the amount thereof on the goods of the person against whom the judgment shall be so obtained, to be delivered to the person in whose favor the judgment was given, the said goods first to be appraised by the said trustees, and the overplus, if any, after satisfying such judgment, to be returned to the person from whom they were taken.

10. *And be it further enacted by the authority aforesaid*, That any two of the said trustees shall be a quorum to transact any business enjoined on them by this act.

11. *And be it further enacted by the authority aforesaid*, That the act, entitled "An act more effectually to protect certain tribes of Indians residing within this State, from frauds, passed 22d March, 1790, be, and the same is hereby extended, to the Indians residing in Brother-town, and the Indians called the Stockbridge Indians.

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## 1792.

An Act for the benefit of the Shinnecock tribe of Indians, residing in Suffolk county.

*Be it enacted by the people of the State of New York, re-1792. presented in Senate and Assembly, and it is hereby enacted by the authority of the same*, That it shall and may be lawful for the male Indians of twenty-one years of age and upwards, belonging to the Shinnecock tribe in Suffolk county, to meet together on the first Tuesday in April next, and on the first Tuesday in April in every year thereafter, at the place for holding town meetings in the town of Southampton, and there by plurality of voices, to choose three persons belonging to the said tribe as trustees, who, by and with the consent of three justices of the peace residing next to the lands of the



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said **Shincock** tribe, are hereby authorized and empowered, from time to time, to lease out so much of the said lands as they shall judge proper for the use of the said tribe, and for any term not exceeding three years, and to lay out and appropriate such quantity of the said land to each family or individual, as shall be judged necessary for his or their improvement.

2. *And be it further enacted by the authority aforesaid,* That it shall be the duty of the clerk of the town of **Southampton**, annually to attend and preside at the meeting of the said **Indians**, for choosing the said trustees, and to enter in a book to be by him kept for that purpose, the names of the persons who shall be so chosen trustees as aforesaid.

3. *And be it further enacted by the authority aforesaid,* That if any person or persons whomsoever, shall plough or otherwise improve any of the lands belonging to the said tribe, without the consent of a majority of the said trustees, and a majority of the said justices first had and obtained in writing, and entered in the book herein directed to be kept by the said clerk, such person or persons shall severally forfeit the sum of forty shillings for every acre so occupied, notwithstanding he or they may have obtained license to improve the said land, or any part thereof, from any **Indian** or **Indians** of the said tribe, other than in manner aforesaid, and shall be subject to pay such forfeiture to the said justices for the use of the said tribe, to be recovered with costs of suit, in their own names, in any court having cognizance of the same.

An Act for the relief of the **Indians** residing in **New Stockbridge** and **Brother-town**.

1792.

1. *Be it enacted by the people of the State of New York, represented in Senate and Assembly, and it is hereby enacted by the authority of the same,* That it shall and may be lawful for the male **Indians** residing in, and being inhabitants of, **New Stockbridge**, above the age of twenty-one years, on the first Tuesday in May next, and on the first Tuesday of May in every year thereafter, during the continuance of this act, to meet together, and by a plurality of votes to choose a clerk, whose business shall be to preside at such meetings, and to enter into a book by him to be kept for that purpose, such proceedings of the said meetings as are by this act directed.

2. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for the said **Indians** so assembled, to elect a person to be called a marshal, whose business it

shall be to execute the orders of the peace-makers hereinafter directed to be chosen. New York,  
1792.

3. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for the said Indians so assembled, annually to choose three persons to be called peace-makers, whose business it shall be to lay out such parcel or parcels of land as shall be agreed on by a plurality of votes at any such meeting, for the separate improvement of each person or family, to be by the said peace-makers marked and described, and a description thereof made in writing by them, and delivered to the clerk, who is to enter the same in his said book.

4. *And be it further enacted by the authority aforesaid,* That each person having a separate improvement allotted to him or her as aforesaid, the same shall be and remain to such person or persons, and their legal representatives, without the power of alienation; and the person or persons so possessed, may bring and maintain an action for any trespass committed on such possession by any white man, Indian, or any other person whomsoever.

5. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for the said peace-makers to bring actions in their own name for trespasses committed on any of the undivided lands in New Stockbridge aforesaid, and not by them allotted by particular persons as aforesaid, before any court of justice having cognizance of the same against any white person, Indian, or other person whomsoever.

6. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for the said peace-makers, on complaint made to them by any Indian being an inhabitant of the said towns, against any such inhabitant, for any trespass, debt or demand, the said peace-makers shall direct the marshal to cause the parties to come before them with their witnesses, and after having heard them, shall give judgment according to the best of their understanding, and shall advise the parties to comply with their said judgment; but in case they, or either of them, shall neglect or refuse so to do, the said peace-makers shall then commit their said judgment to writing, and cause the same to be entered in the town book aforesaid; and the party in whose favor such judgment may be given, may recover the same as a judgment of record in any court having cognizance of the same: *Provided,* That no such judgment shall exceed the sum of five pounds.

7. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for the said peace-makers, as

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often as they shall judge necessary, to call a meeting of the said inhabitants, at such time and place as they shall direct, for the purpose of determining on the laying out of the lands for separate improvements, or any other business which they may judge necessary, in pursuance of this act.

8. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for the said inhabitants, at any of their said public meetings, by a majority of votes, to admit any Indian or Indians of any other tribe or nation to become an inhabitant or inhabitants of the said town, to enjoy equal privileges with the other Indians of the same town, the votes respecting the admission of such person or persons, to be first entered in the clerk's book.

9. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for any inhabitant having lands allotted to him or her as aforesaid, to sell the improvement thereof to any other Indian or Indians, and his or her assigns, being Indians of the said town, which sales shall be entered in the clerk's book of the said town.

10. *And be it further enacted by the authority aforesaid,* That the said peace-makers shall lay out such roads or highways in the said town as a majority of the inhabitants at any of their public meetings shall direct; and to order such of the inhabitants of the said town, and so many of them, from time to time, to work on the roads or highways, and for so many days as shall be directed by a majority as aforesaid at a public meeting.

11. *And be it further enacted by the authority aforesaid,* That any two of the said peace-makers shall be a quorum to transact any business enjoined on them by this act.

12. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for the said inhabitants of Brother-town, by a majority of votes, to adjourn their annual meetings, from time to time, as they may judge proper.

13. *And be it further enacted by the authority aforesaid,* That it shall and may be lawful for such justice of the peace of the county of Herkimer, as the inhabitants of New-Stockbridge shall invite, to preside at their first meeting to be held in pursuance of this act.

14. *And be it further enacted by the authority aforesaid,* That the act, entitled "An act for the relief of the Indians residing in Brother-town and New-Stockbridge," so far as the same relates to the said Indians residing in New-Stockbridge, excepting the last clause, be, and the same is repealed.

15. *And be it further enacted by the authority aforesaid,* <sup>New York, 1792.</sup> That it shall be, and it is hereby made the duty of his excellency the Governor, by such ways and means as he shall judge proper, to remove all such white persons from Brother-town who reside and hold lands there by any lease or leases, or other title from any Indian or Indians, other than such leases as have been or hereafter shall be made in pursuance of the several laws of this State.

16. *And be it further enacted by the authority aforesaid,* That the commissioners of the land office shall give the necessary directions for running out the bounds of Brother-town at the expense of this State.

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### 1801.

#### An Act relative to Indians.

1. *Be it enacted by the people of the State of New York,* 1801. *represented in Senate and Assembly,* That if any person, without the authority and consent of the Legislature of this State, shall, in any manner or form, or on any terms whatsoever, purchase any lands within this State, of any Indian or Indians residing therein, or make any contract with any Indian or Indians for the sale of any lands within this State, or shall in any manner give, sell, demise, convey, or otherwise dispose of any such lands, or any interest therein, or offer so to do, or shall enter on or take possession of or settle on any such lands, by pretext or colour of any right or interest in the same, in consequence of any such purchase or contract made since the fourteenth day of October, one thousand seven hundred and seventy-five, and not with the authority and consent of the Legislature of this State, every such person shall, in every such case, be deemed guilty of a public offence, and shall, on conviction thereof before any court having cognizance of the same, forfeit and pay to the people of this State two hundred and fifty dollars, and be further punished by fine and imprisonment, at the discretion of the court.

2. *And be it further enacted,* That no person shall sue or maintain any action on any bond, bill, note, promise, or other contract hereafter to be made against any of the Indians called the Stockbridge Indians, nor against any Indian residing in Brother-town, or on any lands reserved to the Oneida, Onondaga, or Cayuga Indians; and every person who shall sue or prosecute any such action against any of the said Indians, shall be liable to pay treble costs to the party grieved: *Provided,*

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That this section shall not extend to any action or suit on any contract made before the first day of July, in the year one thousand seven hundred and ninety.

3. *And be it further enacted,* That if any person shall sell to any Indian belonging to the Oneida, Stockbridge, or Brother-town tribe, any rum, brandy, gin, or other ardent spirits within the counties of Oneida or Chenango, he shall be deemed guilty of a public offence, and on conviction thereof, be fined at the discretion of the court, not exceeding twenty dollars for one offence, and shall also forfeit the sum of five dollars for every such offence, to be recovered in an action of debt with costs in any court having cognizance thereof, by any one who will sue for the same, the one half of which forfeiture to be paid to the prosecutor and the residue to the overseers of the poor for the town in which such recovery shall be had for the use of the said poor; *Provided,* That on the recovery of such forfeiture the offender shall not be liable to any other or further prosecution for the said offence.

4. *And be it further enacted,* That if any person shall sell any rum, brandy, gin or other ardent spirits within the limits of the tract of land owned by the Muheconnuck or Stockbridge Indians, or within the reservation lands of Oneida or Brothertown Indians, he shall forfeit twenty dollars for every such offence, to be recovered with costs in manner aforesaid, one half thereof to be paid to the prosecutor and the residue to the district attorney of the district within which the said tribes of Indians reside, to be by him paid into the treasury of this state for the use of the tribe of Indians where such offence shall happen.

5. *And be it further enacted,* That no pawn taken of any Indian within this state for any spirituous liquor shall be retained by the person to whom such pawn shall be delivered, but the thing so pawned may be sued for and recovered with costs of suit by the Indian who may have deposited the same, before any court having cognizance thereof.

6. *And be it further enacted,* That it shall be lawful for the comptroller, on the order of the person administering the government of this State, to draw his warrant on the treasurer for the payment of such sums of money as shall from time to time be necessary for incidental charges attending Indian affairs, not exceeding five hundred dollars in any one year; and it shall also be lawful for the person administering the government of this State, to appoint such persons as he shall see fit to provide for and entertain all Indians who may visit the seat of government on any business, and to

order the comptroller to draw his warrant on the treasurer for such sum or sums of money to defray the expense of entertaining such Indians in favor of such persons as he shall direct, not exceeding in any one year the sum of one thousand dollars. New York,  
1801.

7. *And be it further enacted*, That all the agreements and stipulations heretofore made by agents appointed on the behalf of this state with the Oneida, Onondaga and Cayuga tribes of Indians, and the Indians called the St. Regis Indians respectively, as contained in certain articles of agreements bearing date respectively on the twenty-seventh and twenty-eighth days of July and the fifteenth day of September, in the year of one thousand seven hundred and ninety-five, and in a treaty made with the said Oneida Indians on the first day of June, in the year one thousand seven hundred and ninety-eight, and in a treaty made with the said St. Regis Indians on the twenty-third day of May, in the year one thousand seven hundred and ninety-six, and which are filed in the office of the secretary of this state, shall be and hereby are ratified and confirmed.

8. *And be it further enacted*, That the treasurer of this state shall annually on the warrant of the comptroller pay to the order of the person administering the government of this state, out of any monies in the treasury, the following sums, to wit: The sum of four thousand eight hundred and sixty-nine dollars and twenty-eight cents for the use of the Oneida tribe of Indians, the further sum of two thousand dollars for the use of the Onondaga tribe of Indians, the further sum of two thousand three hundred dollars for the use of the Cayuga tribe of Indians, and the further sum of fifty dollars for the use of the posterity of the Cayuga chief Fish Carrier, being the annuities to be paid to the said tribes and the posterity of the said Fish Carrier respectively, and in lieu of all former annuities in conformity to the said articles and the said treaty with the Oneida Indians, which said annuities shall be paid on the first day of June in every year at the several places specified in the said articles and treaty for that purpose at the expense of this state, and the person administering the government of this state is hereby authorized to cause the said annuities to be paid in such manner and by such persons as he shall think proper, and as may be most agreeable to the said Indians and the least expensive to this state, and for that purpose he may direct the surveyor-general to perform the service, or make such arrangements or contracts with any other persons relative thereto as he may judge proper; *Provided however*, That such part of each of the said annuities as the person administering the government of this state shall in his discretion

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for that purpose direct, shall be first appropriated to the support of the public school, if any, instituted within the limits assigned to the same tribes respectively, in which Indian children shall be taught, and that the monies so appropriated for the support of public schools within the said Oneida tribe, shall be distributed in such manner as that the several villages of the said Oneida tribe may as near as may be equally enjoy the benefit thereof.

9. *And be it further enacted*, That the tract of land of six miles square confirmed by the Oneida Indians to the Stockbridge Indians by the treaty held at Fort Stanwix, in the year one thousand seven hundred and eighty-eight, shall be called New-Stockbridge, and be and remain to the said Stockbridge Indians and their posterity for ever, but without any power of alienation of right of leasing or disposing of the same or any part thereof.

10. *And be it further enacted*, That it shall be lawful for the male Indians residing in New Stockbridge, and above the age of twenty-one years, on the first Tuesday of May in every year, to meet together in New Stockbridge aforesaid, and by a plurality of votes to elect one clerk, and one person to be called a marshal, and three persons to be called peace-makers; and it shall be the duty of the said clerk to preside at such meetings, and to enter in a book to be by him provided for that purpose, the proceedings of the said meetings, and of the said peace-makers, as by this act directed; and it shall be the duty of the said marshal to execute the orders of the said peace-makers made in pursuance of this act.

11. *And be it further enacted*, That it shall be lawful for the said peace-makers, as often as they shall judge it necessary, to call a special meeting of the said Indians being of the age aforesaid, and residing in New Stockbridge, at such times and places as they shall direct, for any of the purposes directed by this act.

12. *And be it further enacted*, That it shall be lawful for the Indians in New Stockbridge, entitled to vote at such meetings, by a plurality of votes at any of the said meetings, to determine on the laying out of their said lands for separate improvements, and also to make such bye-laws as they shall judge necessary for the improvement of their common lands, laying out and working on highways, regulating fences, and the trespassing of cattle, under such penalties as they shall direct, and not exceeding three dollars for one offence, to be recovered by any of the said Indians who will sue for the same in the manner hereinafter prescribed; and also to admit any Indian of any other tribe or nation to become an inhabitant of New Stockbridge, and to enjoy with them equal privileges therein; but

all the votes respecting the admission of any such Indian, shall be entered in the clerk's book aforesaid. New York,  
1804.

13. *And be it further enacted,* That it shall be the duty of the said peace-makers to lay out such parcel or parcels of the said lands in New Stockbridge, as shall be agreed on at any such meeting as aforesaid, for the separate improvement of each person or family of the said Indians, which shall be marked out and described by the said peace-makers, and a description thereof in writing delivered by them to the said clerk, who shall enter the same in the said book; and every parcel of land so allotted to any person, shall be and remain to such person and his legal representatives, but without the power of alienation, except that such person or his representatives may sell the improvement thereof to any other of the Indians residing in New Stockbridge, his or their assigns, which sales shall be entered by the said clerk in the book aforesaid, and every person entitled to and possessed of any such parcel of land, may bring and maintain an action for any trespass committed thereon by any white person, Indian, or any other person.

14. *And be it further enacted,* That all contracts made, or hereafter to be made, by one Indian with another, relative to any undivided land in New Stockbridge, are hereby declared to be void; and it shall be lawful for the said peace-makers to bring actions in their own names, for trespasses committed by any white person, Indian, or any other person, on any of the said undivided lands, in any court having cognizance thereof; and if any white person shall enter upon any of the said lands, whether the same be allotted to any individuals as aforesaid, or remain undivided, and shall cut down any timber, or occupy or improve the same without the consent of the said peace-makers, every such person shall forfeit and pay the sum of twenty-five dollars for every such offence, to be recovered by the said peace-makers in their own names, with costs, in any court having cognizance thereof, and to be paid by them as they shall deem most beneficial to the use of the said Indians.

15. *And be it further enacted,* That it shall be the duty of the said peace-makers to lay out such roads and highways in New Stockbridge, and from time to time to order the inhabitants to work the same, and for so many days as shall be directed by a majority of them at their said meetings.

16. *And be it further enacted,* That it shall be lawful for the said peace-makers, on the complaint of any Indian being an inhabitant of New Stockbridge, against any other inhabitant thereof, for any trespass, debt, or demand, or for any offence whereby any penalty mentioned in the twelfth section of



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this act shall be incurred, to direct the said marshal to cause the parties to be brought before them with their witnesses, and to hear their allegations and proofs, and to determine the matters in controversy as shall appear to them to be just, and thereupon to advise the parties to comply with such determination; and in case the parties, or either of them, shall refuse so to do, the said peace-makers shall commit their determination to writing, and cause the same to be entered in the said book to be kept by the said clerk; and the party in whose favor such determination shall be given, may recover the amount of the sum awarded thereby, as upon a judgment of record in any court having cognizance thereof; *Provided*, That the sum so awarded, shall not exceed twelve dollars and fifty cents.

17. *And be it further enacted*, That the reverend John Serjeant, a missionary to the said Indians, shall have the like remedy for the recovery of any debt or demand against any of the said Indians in New Stockbridge, as such Indians are entitled to have against each other by the preceding section of this act.

18. *And be it further enacted*, That any two of the said peace-makers shall be competent to do and perform every matter and thing which the said peace-makers are authorized to do by this act.

19. *And be it further enacted*, That the tract of land heretofore set apart for the Indians called the New England Indians, consisting of the tribes called the *Mohegan*, *Montock*, *Stonington*, and *Narragansett* Indians, and the *Peguots*, of Groton, and *Nehanticks*, of Farmington, shall be and remain to the said Indians and their posterity, but without any power of alienation by the said Indians, or of leasing or disposing of the same, or any part thereof; and the said tract shall be called *Brothertown*, and shall be deemed part of the town of Paris, in the county of Oneida, for all purposes in the general execution of the laws and the administration of justice in any of the courts of this State, and any proceeding incident thereto, except in cases provided for by this act.

20. *And be it further enacted*, That the lots or parcels of land heretofore set apart in Brothertown, in pursuance of any former law of this State for the separate use of any of the said Indians residing therein, shall continue to be separately held and enjoyed by such Indians, respectively; and it shall be lawful for the person administering the government of this state, by and with the advice and consent of the council of appointment, as often as may be necessary, to appoint and commission three or more superintendents of the affairs of the Brothertown In-

dians, who shall hold their office during the pleasure of the New York, said council: *Provided*, That the superintendents already appointed, shall continue to hold their respective offices during the pleasure of the said council; and the said superintendents, or the major part of them, on application to them made by or on behalf of any particular Indian, shall have power to determine whether such Indian be entitled to settle on the said lands, and if so, to assign to such Indian, at their discretion, a particular lot or parcel of land for that purpose; and it shall not be lawful for any Indian or Indian family, or other person, to take possession of any part of the said lands, unless the same be assigned as aforesaid; and if any Indian to whom any part of the said lands hath been or shall be assigned as aforesaid, hath neglected or shall neglect to take possession of the same within one year after becoming entitled thereto, or hath left, or shall leave, Brothertown for the space of one year, such Indian shall be deemed to have forfeited all right to the said land, and the said superintendents shall thereupon, at their discretion, assign the same to any other Indian then residing in, and entitled to, land in Brothertown.

21. *And be it further enacted*, That upon the death of any Indian residing in Brothertown, to whom any land hath been or shall be assigned as aforesaid, or who shall be entitled thereto, if such Indian shall die possessed thereof leaving issue, the same shall go to and be equally divided among such issue, if they are all in equal degree of kindred to the deceased; but if such Indian shall leave a child or children, and the issue of a deceased child or children, then such issue shall stand in the place of the parent, and take only such share as the parent would have taken if living, and the like division *per stirpes* shall be made among the descendants of such deceased Indian in the remotest degree; and if such Indian leave no issue, then the said land shall revert to the Brothertown Indians, and the said superintendents shall thereupon assign the same to some other Indian or Indians entitled thereto, as aforesaid: *Provided however*, That the widow of the deceased shall, in all cases, have a right to continue in the house her husband died possessed of, during her widowhood, and the superintendents shall also assign to her so much of the said land of her husband, as they may think necessary.

22. *And be it further enacted*, That the treasurer of this state shall annually, on the first Monday of August in every year, pay out of any monies not otherwise appropriated, on the warrant of the comptroller, and to the order of the person administering the government of this State, the sum of two

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thousand one hundred and sixty dollars and seventy-nine cents, being the amount of the interest of the monies arising from the sales of land of the said Indians in Brothertown, at the rate of six per cent., who shall cause so much thereof as he shall deem necessary for that purpose to be applied to the maintaining a school in Brothertown, for the education of Indian children, and the remainder, after payment of the salary of the attorney hereinafter mentioned, to the use of the Indians resident in Brothertown, as he shall judge most beneficial to them.

23. *And be it further enacted,* That it shall and may be lawful for any of the Indians entitled to, and residing on, lands in Brothertown, and to whom land adjoining the public school has been granted, to sell and convey to the peace-makers of Brothertown so much of their said land adjoining the said public school, as in the judgment of the said peace-makers may be sufficient for the use and accommodation of the master of the said school, for the time being, not exceeding twenty-five acres, for which such Indian or Indians shall be paid by the superintendents out of the annuity of the Brothertown Indians, such sum per acre as shall be agreed on by such Indian or Indians and the said peace-makers, and approved of by the said superintendents; and the said land so to be purchased as aforesaid, shall be held by the said peace-makers and their successors in trust for the sole use and accommodation of such schoolmaster as shall from time to time be employed in keeping the said public school.

Sec. 24. *And be it further enacted,* That it shall be lawful for the person administering the government of this state as often as may be necessary, by and with the advice and consent of the council of appointment, to appoint and commission some proper person, learned in the law, to be the attorney of the said Indians, during the pleasure of the said council, but the person already appointed attorney as aforesaid shall continue in office during the pleasure of the said council, and the said attorney shall, from time to time, advise and direct the said Indians residing in Brothertown, in the controversies among themselves and with any other person, and defend all actions brought against any of them by any white person, and commence and prosecute all such actions for them, or any of them, as he may find necessary or proper; and in the prosecution and defence of any such actions, he shall observe and pursue such advice and directions as shall be given him, if any, by the said superintendents, and shall receive as a compensation for his services and expenses in the premises, the yearly salary

of one hundred and twenty-five dollars, to be paid out of the **New York,**  
said interest money. **1801.**

25. *And be it further enacted,* That it shall be lawful for any Indian, whether male or female, to whom any of the said lands in Brothertown has been or shall be assigned as aforesaid, or who shall become entitled to the same, to sue and maintain actions of trespass, and to recover damages to his or her own use, for any trespass which shall be committed upon such land.

26. *And be it further enacted,* That it shall be lawful for the said attorney of the Brothertown Indians, to sue and maintain actions of trespass in the name of the Brothertown Indians, for any trespass committed since the first day of October, in the year one thousand seven hundred and ninety-five, or which shall hereafter be committed upon any part of the said land set off for the said Indians, and not assigned to any particular Indian or family; and the damages to be recovered in every such action, after deducting all expenses attending the recovery, shall be paid by the said attorney to the said superintendents, to be by them applied to and for the relief and benefit of the Indians then residing in Brothertown.

27. *And be it further enacted,* That it shall be lawful for the said Indians residing in Brothertown, to cut timber on any part of the said tract set apart for their use, whether the same be assigned to any particular Indian or family, or not, for the purpose of making or repairing highways and bridges within the same tract, and also to cut timber on any part of the said tract not assigned to any particular Indian or family, for the purpose of repairing their buildings and erecting others, but for no other purpose; and if any other person shall, at any time, cut or carry away any timber being upon any part of the said tract set apart for the said Indians, every such person shall be liable to an action of trespass for the same, notwithstanding any sale, lease or license from the said Indians, or any of them; and if any such trespass be committed upon the land assigned to any particular Indian or family, and the person or persons entitled to the same, do not within thirty days thereafter require the said attorney for the Brothertown Indians to commence and prosecute a suit for the same, then the said attorney shall bring an action for the same in the same manner as if the trespass was done on some part of the said tract not assigned to any particular Indian or family; and the declaration in such case, shall charge that the defendant broke and entered the close of the Brothertown Indians, and cut or carried away the trees or timber there growing or being; and no plea or evidence that the place where such trespass was committed, had

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been assigned to any particular Indian or family, nor any license, or release, or agreement of any Indian or Indians, shall be any bar to any such action; and the damages recovered in every such action, shall be applied in the same manner as the damages recovered for trespasses on the parts of the said tract not assigned to any particular Indian or family.

28. *And be it further enacted,* That it shall be lawful for the person administering the government of this state, as often as may be necessary, by and with the advice and consent of the council of appointment, to appoint and commission five of the Indians residing in Brothertown, to be keepers of the peace there, who shall hold their office during the pleasure of the said council: *Provided,* That the keepers of the peace already appointed therein, shall continue to hold their offices during the pleasure of the said council; and the said keepers of the peace shall severally have power to keep the peace in Brothertown, and any three or more of them shall also have power to hold a court at the school-house, or at such other place in Brothertown as they shall appoint, on the first Monday in every month, and in such court to hear and determine all disputes and controversies between any persons residing in Brothertown aforesaid, concerning any debt, demand, or trespass where the sum due or damages sustained, shall not exceed the sum of twelve dollars and fifty cents, and all actions for the recovery of the penalty of any bye-law to be made at any town meeting in Brothertown as hereinafter mentioned; and it shall be lawful for either of the said keepers of the peace, upon complaint made to him, to cause the person complained of to be summoned to appear at the next court to be held at the school-house or other place appointed as aforesaid in Brothertown; to answer the complaint; and the said keepers of the peace, or the major part of them, shall, at such next court or other court to which the cause may be adjourned, hear and examine the allegations and proofs of the parties, and make such order and decree between them as shall appear to them to be just; and if such order and decree be not performed in one month thereafter, shall then cause the sum adjudged or decreed to either party to be levied by distress and sale of the goods and chattels of the party who shall be adjudged or decreed to pay the same, together with such fees as are hereinafter allowed to the marshal for executing the process; but the said keepers of the peace shall not take any fees for their services; and it shall be lawful for the said keepers of the peace to adjourn any cause depending before them to the next court, whenever they shall find it necessary; and if the defendant shall not be

personally summoned upon the process against him, and shall <sup>New York,</sup> not appear at the return thereof, a new summons shall be issued; <sup>1801.</sup> but if he shall have been personally summoned, then the court may, at the return of the summons, proceed to hear and determine the cause whether the defendant appears or not, unless a reasonable excuse shall be offered, in which case they shall adjourn the cause to the next court; and the judgment of the said keepers of the peace, or of the major part of them, who shall attend upon the hearing of any cause, shall be conclusive between the parties.

29. *And be it further enacted,* That if any person shall be convicted of any trespass or offence against any by-law to be made as hereinafter mentioned, before the said keepers of the peace, or any three or more of them, and shall not have sufficient goods or chattels to pay the damages or penalty, the keepers of the peace before whom such conviction shall be had, shall give a certificate thereof, setting forth that the defendant, naming him, is convicted of a trespass or breach of a by-law in Brothertown, and is adjudged to pay a certain sum of money for the same to the plaintiff, mentioning the sum and the plaintiff's name, and that the defendant hath not sufficient goods and chattels in Brothertown to pay the same, and upon producing such certificate to the attorney for the Brothertown Indians, and proving before him that the same was made or given by any three or more of the said keepers of the peace, the said attorney shall issue a warrant, directed to the sheriff of the county and to some or one of the constables of the said county residing near Brothertown, commanding the said constable or constables to take such defendant and convey him to the gaol of the said county, and there deliver him to the said sheriff, and commanding the said sheriff to receive him into the gaol and safely keep him there for the space of thirty days, unless he shall sooner pay the said sum of money, together with the fees for issuing and executing the said warrant, which thirty days shall be computed from the time the defendant shall be delivered to the sheriff or gaoler; and the said sheriff and his deputies, and every constable to whom such warrant shall be directed, are hereby required to execute the same; and all expenses of executing any such warrant, and of supporting any such prisoner in gaol, shall be paid by the said attorney of the Brothertown Indians, and the same shall be repaid to him by the said superintendents, out of the money belonging to the Brothertown Indians.

30. *And be it further enacted,* That it shall be lawful for the male inhabitants of Brothertown, of the age of twenty-one

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years and upwards, and they are hereby required to assemble together and hold town-meetings at the said school-house, on the first Tuesday of April in every year, at which meeting the senior keeper of the peace then present, shall preside, and then and there to elect one town clerk, two overseers of the poor, two marshals, and so many overseers of the highways as the majority of the inhabitants so met, shall think necessary, who shall hold their respective offices for one year, and until others shall be chosen in their places; and if any of the officers so chosen, shall refuse to serve, or shall die or remove out of the town, or become incapable of serving before the next annual town meeting, then, and in every such case another or others shall be elected in his or their places, in the manner aforesaid, at a town meeting to be held for that purpose; and the said inhabitants of Brothertown are hereby authorized, at their annual town meeting, or at any other town meeting to be held for that purpose from time to time, to make and establish such regulations and by-laws as the majority of them so met may think necessary and convenient for the better relief of the poor, and for binding out children whose parents are dead or absent, and for ascertaining what bridges and what part of any highway each of the overseers of the highways shall have the care of, and which of the inhabitants shall be obliged to work on the highway, and how many days each of them shall work thereon, and for ascertaining the sufficiency of fences, and the times, places, and manner of preventing or permitting cattle, horses, sheep, and swine, or any of them to go at large, and for ascertaining damages done by trespasses, and for maintaining good order among themselves, and concerning any other matters relating to their own affairs, and to impose such penalties on the offenders against such regulations and by-laws, or any of them, as the majority of the inhabitants so met shall deem proper, not exceeding five dollars for any one offence, to be recovered with costs by any inhabitant of Brothertown, who shall sue for the same, by action of debt before the said keepers of the peace, or any three of them, the one half of which penalty, when recovered, shall be for the use of the person who shall sue for the same, and he shall pay the other half to the overseers of the poor of Brothertown, to be by them applied to the relief of the poor; and that all such regulations and by-laws shall be entered by the town clerk in a book to be provided for that purpose, and shall continue in force until revoked or altered by some subsequent town meeting; but no special town meeting shall be held for any purpose, unless notice thereof, signed by two or more of

the said keepers of the peace, to be fixed upon the door of the New-York, school-house in Brothertown aforesaid, at least six days before <sup>1801.</sup> the day of holding such town meeting.

31. *And be it further enacted,* That the said keepers of the peace shall be commissioners of the highways in Brothertown, and they or the major part of them, shall have power from time to time to alter any highway in Brothertown, and to lay out others as there may be occasion, and to direct how and when the same or any of them or any part thereof shall be made, mended or repaired: *Provided always,* That all highways by them laid out shall be at least four rods wide, and they shall cause a record thereof to be entered by the town clerk of Brothertown, and the said overseers of the highways shall cause the highways and bridges of which they shall be respectively chosen overseers to be repaired and made according to the directions of the said commissioners, and shall warn the inhabitants to work thereon whenever it shall be necessary, and shall superintend and direct the same.

32. *And be it further enacted,* That the marshals to be chosen in Brothertown as aforesaid shall have the like powers and authority there as constables of other towns in this state have by law in their towns, and shall be entitled to twelve and an half cents for serving every summons, and twenty-five cents for serving an execution for any sum not exceeding two dollars and fifty cents, and at the rate of ten cents in the dollar for serving every execution for any sum above two dollars and fifty cents.

33. *And be it further enacted,* That the said superintendents or the major part of them, or the said attorney of the Brothertown Indians if impowered by them for that purpose, shall from time to time settle all disputes and controversies between the Brothertown Indians concerning their said lands, and determine all claims to any of the said lands, and all disputes that may arise concerning the same upon the death of any Indian entitled to any land in Brothertown, and their determination shall be conclusive; and all determinations made by them or the major part of them relating to the said land, shall be entered by the town clerk of Brothertown in a book to be provided for that purpose.

Sec. 34. *And be it further enacted,* That the overseers of the poor of Brothertown, shall be guardians of the persons and property of all infants in the said town who shall not have any parents there to take care of them.

Sec. 35. *And be it further enacted,* That it shall not be lawful for any Indian in Brothertown to sell any spirituous



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liquor without a license from the said superintendents, under the penalty of seven dollars and fifty cents for every such offence, to be recovered before the said keepers of the peace or any three of them, the one half of such penalty shall be to the use of the Indian who shall sue for the same and the other half to the use of the poor of Brothertown.

Sec. 36. *And be it further enacted*, That the said town clerk in Brothertown shall from time to time be supplied by the said superintendents with such books and paper as may be necessary for the execution of the duties enjoined on him by this act, and shall be paid by the said superintendents annually such sum for his services as they shall deem adequate.

Sec. 37. *And be it further enacted*, That it shall be lawful for the male Indians above the age of twenty-one years belonging to the Shinnecock tribe in Suffolk county, to meet together on the first Tuesday of April in every year, at the place for holding town meetings in the town of Southampton, and by plurality of voices annually to elect three persons belonging to the said tribe as trustees, who by and with the consent of three justices of the peace residing next to the lands of the said tribe, are hereby authorized and impowered from time to time, to lease out so much of the said lands as they shall judge proper for the benefit of the said tribe, and for any term not exceeding three years, and to lay out and appropriate such quantity of the said lands to each individual or family of the said tribe as they shall judge proper and necessary for his or their improvement, and also to order and direct on what part of the said lands fire wood and timber may be cut by the said tribe for their use; and it shall be the duty of the clerk of the said town annually to attend and preside at such meeting of the said Indians, and to enter in a book by him to be kept for that purpose the names of the trustees to be chosen as aforesaid, and the proceedings of such trustees and justices; and if any person shall occupy or use any of the said lands without the consent of a majority of the said trustees, and of a majority of such justices first obtained and entered in the said book, such person shall forfeit the sum of five dollars for every acre so used or occupied, and if any person belonging to the said tribe, shall cut any wood or timber on the said lands, without such order and consent of the said trustees and justices first entered in the said book, such person shall forfeit the sum of ten dollars for each offence, which penalties shall be sued for, and recovered by such justices, in their own names, in any court having cognizance thereof with costs of suit, for the use of the said tribe.

**Sec. 38.** *And be it further enacted,* That the lands situate **New York,** in the county of Oneida, and heretofore granted to the secretary, the treasurer and the attorney-general of this state, and their successors in office, in trust for Peter Otsequette and his posterity, shall continue to be held by them in trust as aforesaid, and they shall permit the issue of the said Peter Otsequette who is now deceased, during their natural lives, and as long as any issue shall remain, to occupy and improve for their benefit so much of the said lands, not already let out or leased by them to any other person, as the said trustees shall from time to time think necessary for that purpose; and it shall be lawful for the said trustees from time to time, to let out or lease any part of the said lands which shall be unoccupied or unimproved as aforesaid, to any other persons upon such terms and conditions, and for such time, not exceeding twenty-one years or three lives, as the said trustees may think proper: *Provided however,* That it shall not be lawful for the said trustees to make any lease in reversion of any part of the said lands, and the rent due or to become due upon any such lease already made or hereafter to be made, shall be paid into the treasury of this state, and upon the warrant of the comptroller, shall by the treasurer be paid to the district attorney, for the district in which the children or issue of the said Peter Otsequette reside, to be by him from time to time applied to the support and education of the said children or issue in such manner as shall appear to be most for their benefit; and the said district attorney shall once in every year account to the comptroller for the expenditure of all monies paid to him as aforesaid.

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### 1813.

AN ACT to prevent trespasses on Indian lands within this state.

**Sec. 1.** *Be it enacted by the people of the state of New York, represented in Senate and Assembly,* That if any person hereafter shall trespass on any land belonging to any Indian tribe within this state, by cutting timber thereon, such person shall forfeit and pay the sum of twenty-five dollars for every tree they shall cut, to be recovered with costs of suit in any court having cognizance thereof.

**Sec. 2.** *And be it further enacted,* That it shall be the duty of the Indian agent to prosecute all persons offending against this act, and to pay over all monies to be recovered for trespasses committed in violation thereof, to the Indian tribe on whose

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land such trespasses shall be committed: *Provided however,* That nothing contained in this act shall be construed to prohibit the cutting of timber to improve or erect bridges on any road leading through such Indian lands.

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An Act authorizing the Governor to hold treaties with the Indian nations and tribes within this State, and for other purposes.

1813.

1. *Be it enacted by the people of the State of New York, represented in Senate and Assembly,* That it shall and may be lawful for the person administering the government of this state for the time being, or his agent or agents, to hold a treaty or treaties on the part of the people of this state, with the Oneida nation of Indians, or the Christian and Pagan party thereof, or any other of the Indian nations or tribes within this state, for the purpose of extinguishing their claim to such part of their lands lying within this state as he may deem proper, for such sums and annuities as may be mutually agreed upon by the parties.

2. *And be it further enacted,* That it shall and may be lawful for the person administering the government of this state for the time being, to draw from the treasury such sum or sums of money as may be necessary to defray the expense of such treaty or treaties, and for paying such part of the purchase money for the said lands as may be necessary, not exceeding three thousand dollars.

3. *And be it further enacted,* That that portion of the Oneida Indians known or distinguished by the name or appellation of the Pagan party, shall be entitled to retain for their own exclusive use and occupation, all that certain lot of land belonging to the state, situated on the southwest side of Oneida creek, and extending from the mouth of Mud creek to the division line between the Pagan and Christian parties so called, containing about four hundred and twenty-eight acres, until other disposition of said lot shall be made by law.

4. *And be it further enacted,* That it shall be the duty of the justices who may hereafter hold any court of oyer and terminer, or of the general sessions of the peace, in and for the county of Oneida, to charge the grand jury to prevent any person or persons, other than Indians belonging to the said Pagan party, who shall intrude, occupy, or settle on, or who are now in possession of any part of said lot; and it is hereby made the duty of the attorney of the Oneida Indians to prosecute all and every offender against the provisions of this act,

who shall on conviction be subject to the like penalties mentioned in the sixty-fourth section of the act, entitled "An act for the payment of certain officers of government," passed the nineteenth day of June, eighteen hundred and twelve. New York, 1813.

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### 1815.

An Act concerning the lands lately purchased from the Christian party of the Oneida Indians.

1. *Be it enacted by the people of the state of New York, represented in Senate and Assembly,* That the surveyor-general shall cause the lands purchased at a late treaty with the Christian party of the Oneida Indians, to be surveyed into lots not exceeding one hundred and sixty acres each, and sell the same, excepting what is otherwise directed to be disposed of, in the manner and on the conditions mentioned in the act, entitled "An act concerning the commissioners of the land office, and the sale of unappropriated lands:" *Provided,* That no occupant or settler on said lands, other than Indians, shall be entitled to a remuneration for improvements; and that no improved land occupied by any Indian, shall be sold till he shall have relinquished or released his improvement to the people of this state, if such improvement shall be of the value of twenty dollars.

2. *And be it further enacted,* That the commissioners of the land office shall grant letters patent to Joshua Sherwin, for ten acres of land; to Angel Ferriere, for fifty acres of land; and to George Helmer, for one hundred acres of land, out of said lands, according to a certain stipulation in said treaty; and that no location shall be permitted to be laid on any part of the said lands, besides that which is authorized by the act, entitled "An act granting the pre-emption right to certain lands to William Sternbergh," passed 14th March, 1815.

3. *And be it further enacted,* That the monies arising from the sales of said lands shall be paid into the treasury, and be subject to the ordinary appropriations of the legislature.

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An Act relative to the village of Oneida Castleton, and for other purposes.

Whereas the surveyor-general has, pursuant to the directions of the legislature, reported a plan of a village, located on the east side of the Oneida creek, called the Oneida Castle, and it is requisite that the future disposition thereof be directed by law: Therefore,

1. *Be it enacted by the people of the state of New York, represented in Senate and Assembly,* That the said

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village shall be called and known by the name of Oneida Castleton, and that the commissioners of the land office shall, from time to time, direct the surveyor-general to sell so many of the lots laid out, or to be laid out in said village, as they shall deem best for the interest of the state, according to the plan reported as aforesaid, or with such alterations as they may judge proper to direct without essentially varying the same, that such sales shall be at public auction, after notice thereof for eight weeks successively given in the newspaper published by the printer to this state, in one newspaper published in the city of New York, and in the newspapers published in the city of Albany and the county of Oneida, that the commissioners of the land office shall affix the minimum prices to the said lots at which the same may be sold, and if any of them shall have been put up for sale at auction, and no bid at or above the minimum price shall be received, the said commissioners may either direct such lots to be sold at such minimum prices, to the first applicants, or reserve them to be afterwards again exposed to sale at auction; that the conditions of sale shall be that at least one-eighth part of the purchase money be paid within twenty-four hours after sale, and the remainder in six equal annual instalments, with interest at the rate of six per cent. per annum, to be secured by the bonds of the purchaser, and that letters patent shall not be granted for any lot until the whole of the consideration be paid; that so many of said lots as the said commissioners shall judge proper, shall be sold on the further condition that within three years thereafter there shall be erected on them respectively, buildings to the value of two hundred and fifty dollars, under the penalty of a forfeiture of all right to the lots concerning which there shall be a failure in this condition, and also of the monies paid for the same.

2. *And be it further enacted,* That the commissioners of the land office shall cause appraisements to be made of the value of the improvements made and occupied by Indians on the tract on which said village is located, and ascertain the several Indians who are the owners or occupants of such improvements respectively, and thereof make a report to the person administering the government of this state, whose duty it shall be at the time of payment next thereafter of the Indian annuities, to cause payments to be made to the several Indians mentioned in said report, of the sums respectively at which their improvements shall have been appraised as aforesaid, in consideration of their surrendering such improvements to the people of this state.

3. *And be it further enacted,* That the eighteenth <sup>New York,</sup> section of the act, entitled "An act concerning the commis- <sup>1816.</sup> sioners of the land office, and the sale of unappropriated lands," shall be construed to apply to all cases arising under the operations of this act.

4. *And be it further enacted,* That the person administering the government of this state shall be, and he is hereby authorized to purchase from the Stockbridge and Brothertown Indians in behalf of this state, such part of their reservation and lands as they may be desirous of selling, and that the treasurer be, and he is hereby authorized, on the warrant of the comptroller, to pay to the order of the governor, the sum of two thousand dollars to defray the expenses of completing the said purchase.

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### 1816.

An Act for the relief of the settlers on the lands belonging to the Stock-  
bridge Indians.

1. *Be it enacted by the people of the State of New York,* <sup>1816.</sup> *represented in Senate and Assembly,* That the first section of the act, entitled "An act relative to the different tribes and nations of Indians within this state," passed the tenth day of April, in the year of our Lord one thousand eight hundred and thirteen; and also the act, entitled "An act to prevent trespasses on Indian lands within this state," passed the second day of April, one thousand eight hundred and thirteen, be, and the same are hereby suspended in their effect and operation, so far as it regards those persons only, who, on or before the first day of February, in the year of our Lord one thousand eight hundred and fifteen, had settled on any of the lands mentioned in the said recited act and section, by virtue of leases from the Indians of said tribes: *Provided nevertheless,* That no person who is now indicted, shall be entitled to the benefits of this act, until he shall pay or tender to the district attorney of the counties of Oneida and Madison, the legal costs of such indictments.

2. *And be it further enacted,* That on the payment of such costs, it shall be the duty of said district attorney to enter a noli prosequi on said indictments.

3. *And be it further enacted,* That if in the opinion of the superintendents of said Indians, and the attorney of the same, any of said inhabitants are likely to prove injurious to said Indians, by corrupting their morals, it shall be lawful for said

**New York,**  
**1816.** attorney, and a majority of said superintendents, by warrant under their hands and seals, to remove such inhabitants from off said lands.

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An Act regulating the payment of the compensation of the attorney of the Brothertown, Oneida, and Stockbridge tribes of Indians.

**1816.**

1. *Be it enacted by the people of the State of New York, represented in Senate and Assembly,* That the sum of fifty dollars be paid to William Hotchkiss, attorney for the Brothertown, Oneida, and Stockbridge Indians, by the treasurer of this state, on the warrant of the comptroller, being the balance due to him for two years' salary, ending December last, by virtue of the act, entitled "An act relative to the different tribes and nations of Indians," passed April ten, eighteen hundred and thirteen.

2. *And be it further enacted,* That the treasurer, on the warrant of the comptroller, shall hereafter, annually, pay to the attorney of the said Indians the sum of seventy-five dollars, in part of the salary allowed him by the act above mentioned; and that the remainder of his salary shall be paid in the manner in said act mentioned.

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An Act relating to the Shinecock tribe of Indians.

**1816.**

1. *Be it enacted by the people of the State of New York, represented in Senate and Assembly,* That it shall be lawful for the male Indians above the age of twenty-one years, belonging to the Shinecock tribe in Suffolk county, to meet together on the first Tuesday in April, in every year, at the place for holding town meetings in the town of Southampton, and by plurality of voices, annually to elect three persons belonging to the said tribe, as trustees: And it shall be the duty of the clerk of the said town to attend and preside at such meetings of the said Indians, and to enter in a book to be kept by him for that purpose, the names of the trustees to be chosen as aforesaid, and the proceedings of such trustees, and of the said trustees and the justices hereafter mentioned.

2. *And be it further enacted,* That the said trustees are hereby authorized and empowered, from time to time, to lay out and appropriate such quantity of the lands of the said tribe, to each individual or family of the said tribe, as they shall judge proper and necessary for his or their improvement: *Provided,* That the whole quantity so laid out and appropriated in any one year, shall not exceed one hundred and twenty-

five acres: And the said trustees, by and with the consent of <sup>New York,</sup> three justices of the peace, re-iding in or near the town of <sup>1816.</sup> Southampton, are hereby authorized and empowered, from time to time, to lease out so much of the said lands as they shall think proper, for the benefit of the said tribe, and for any term not exceeding three years: And also to order and direct on what part of the said lands fire-wood and timber may be cut by the said tribe for their use.

3. *And be it further enacted,* That if any person not of the said tribe, shall in any manner hire, use, or occupy any of the said lands, which shall be so laid out and appropriated as aforesaid, such person shall forfeit the sum of twenty-five dollars for every acre so hired, used, or occupied; and if any person shall occupy or use any of the said lands, without the consent of a majority of the said trustees, and of at least two of the said justices first obtained and entered in the said book, such person shall forfeit the sum of twenty-five dollars for every acre so used or occupied: And if any person belonging to the said tribe shall cut any wood or timber on the said lands without such order and consent of the said trustees and justices first entered in the said book, such person shall forfeit the sum of ten dollars for each offence, the one half of which penalties shall be to the use of the overseers of the poor of the town of Southampton, and the other half to the use of the party who will sue for the same, by action of debt, in any court having cognizance thereof.

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An Act to authorize the extinguishment of the claims of the St. Regis Indians to lands in this State.

*Be it enacted by the people of the State of New York, re-<sup>1816.</sup>presented in Senate and Assembly,* That in case the St. Regis Indians may be desirous of selling the mile square of land reserved by them, at or near the village of French Mills, in the town of Constable, in the county of Franklin, or any other lands lying within this state, to which the St. Regis Indians have any title or claim, the person administering the government of this state shall be, and he is hereby authorized, to purchase the said land from the said Indians, in behalf of this state; and that the treasurer be, and he is hereby authorized, on the warrant of the comptroller, to pay to the order of the Governor such sum of money to defray the expenses of completing the said purchase, as the Governor may think reasonable to give for the said land.



1817.

An Act for the relief of the St. Regis, Oneida, Onondaga, and Seneca Indians.

New York,  
1817.

Whereas, the Governor of this state has represented to the Legislature thereof, that the St. Regis, Oneida, Onondaga, and Seneca Indians are in great distress on account of the destruction of their corn the last season, and of the general scarcity of other usual means of support: And whereas also, the said tribes of Indians respectively receive from the people of this state a yearly annuity: Therefore,

1. *Be it enacted by the people of the state of New York, represented in Senate and Assembly,* That the treasurer shall pay, on the warrant of the comptroller, to the person administering the government of this state, for the time being, when thereunto required by him, by way of advance, so much of the said annuities which is payable in the month of August next, as the person administering the government as aforesaid shall, from time to time, think proper to be expended in providing the necessaries of life for such of the said tribes of Indians as shall request the same by their chiefs or agents thereunto lawfully authorized.

An Act concerning the lands lately purchased from the Onondaga Indians, and for other purposes.

1817.

1. *Be it enacted by the people of the State of New York, represented in Senate and Assembly,* That the surveyor general shall cause the lands purchased at a late treaty with the Onondaga Indians, to be surveyed into lots not exceeding one hundred and sixty acres each, and sell the same, with the improvements thereon, in the manner and on the conditions mentioned in the fifteenth and sixteenth sections of the act, entitled "an act concerning the commissioners of the land office, and the sale of unappropriated lands," passed April 6th, 1813.

2. *And be it further enacted,* That the monies arising from the sales of said lands shall be paid into the Treasury, and be subject to the ordinary appropriations of the legislature.

3. *And be it further enacted,* That it shall be lawful for the person administering the government of this state, to appoint a special agent or attorney, residing near the premises, to prosecute on behalf of the people of this state, for all trespasses on said lands until they shall be sold as aforesaid, and to allow him such compensation for his services as shall be just and reasonable.

4. *And, be it further enacted*, That in every case in which <sup>New York,</sup> improvements, made on lands belonging to the people of 1817. this state, are by law directed to be appraised in favor of any occupant, it shall be the duty of the appraisers, in making out their appraisement, to deduct from the appraised value of such improvements a reasonable allowance for the use of the lands by the occupant, and also for the deterioration of the value thereof by his cutting and carrying away timber therefrom, during such occupancy, or causing it to be done.

An Act concerning certain Indians residing within this state.

*Be it enacted by the people of the state of New York,* 1817. *represented in Senate and Assembly*, That it shall not be lawful for any white person, under any pretence, or on any account whatever, to receive from any Indian residing on a tract of land belonging to or occupied by the Mohekonic or Stockbridge Indians, or on the reservation lands of the Oneida or Brothertown Indians, any article or articles whatsoever, by way of pawn or pledge; and that every person who shall receive such pawn or pledge, shall forfeit the sum of twenty dollars, to be recovered in an action of debt, in the name of the Indian from whom he shall have received such pawn or pledge, in any court having cognizance thereof, with costs: and that every such pledge or pawn, or the value thereof, shall also be recoverable, with costs, by the Indian from whom the same shall have been received, in an action of replevin or trover, at his election.

An Act to amend the act, entitled "An act for the relief of the settlers on lands belonging to the Stockbridge Indians."

1. *Be it enacted by the people of the state of New York,* 1817. *represented in Senate and Assembly*, That it shall be the duty of the attorney of the Stockbridge Indians, if he considers any person who now resides or shall hereafter come to reside on the lands of the said Indians, who is not entitled by law to settle on said lands, is likely to be injurious to the said Indians, by corrupting their morals, or by injuring their lands or property, to notify such person in writing to remove from said lands; and in case such person shall neglect to remove for the space of ten days after receiving such notice, it shall and may be lawful for any one of the superintendents of the said Indians, on complaint of their attorney, to issue a summons

New-York,  
1817.

commanding such person to appear before the superintendents of the said Stockbridge Indians, at such time and place as the superintendent who shall issue such summons, shall appoint, to shew cause why he or she should not be removed from the lands of said Indians, which summons may be served by the sheriff or any constable of either of the counties of Oneida or Madison, by reading the same to the person to be summoned, and leaving a copy of said summons, if required, at least ten days before the time appointed in such summons for his or her appearance before said superintendents; and said summons being returned duly served as aforesaid, it shall be the duty of the said superintendents, or a majority of them, to assemble for that purpose at the time and place mentioned in said summons, or at such other time and place to which said superintendents may adjourn the hearing of such complaint, not exceeding ten days thereafter, to examine into said complaint; and if the said superintendents, so assembled, shall find and adjudge such person so complained of, is, at the time of such adjudication, resident on the lands of said Stockbridge Indians, and is likely to prove injurious to their morals or their property, and that he or she has no legal right to reside on said lands, it shall be the duty of the superintendents, so assembled, to order such person, with his or her family, to be removed from said lands; and they shall further order and adjudge that such person shall pay such sum as the said superintendents shall adjudge necessary to defray the expense of such proceedings; and said superintendents shall issue their warrant, under their hands and seals, directed to the sheriff or any constable of the counties of Oneida or Madison, commanding the officer to whom such warrant is directed, to remove the person so complained of and his or her family, if any he or she hath, from the lands of said Indians, and to distrain and sell the goods and chattels of such person, sufficient to raise the sum adjudged for the costs of such proceedings; and it shall be the duty of the said officers, to whom such warrant shall be directed and delivered, to execute the same without delay, and to make return thereof, with costs, to said superintendents.

2. *And be it further enacted,* That the said superintendents, or any one of them, may issue a subpœna, for witnesses to appear before them, on the trial of any complaint triable by virtue of this act; and it shall be the duty of each and every person subpœnaed as a witness, to attend before said superintendents and be sworn, and give evidence as to what he or they may know respecting the complaint then on trial before the said superintendents, which oath each and every of the superin-

tendents are hereby authorized to administer; and it shall be the duty of each of the said superintendents to issue the like subpoena in favor of the person complained of, if required so to do. New York, 1817.

3. *And be it further enacted*, That the following costs, and no other, shall be allowed for executing the duties required by this act: for a summons, twelve and an half cents; for every order, one dollar; for a warrant, twenty-five cents; for a subpoena, for each witness, six cents; serving subpoena, on each witness, twelve and an half cents; each witness attending, twelve and an half cents; swearing each witness, six cents; for serving a summons, the same fees as are allowed to constables for serving a summons, by the act for the recovery of debts to the value of twenty-five dollars; and for serving a warrant, such sum as said superintendents shall adjudge to be reasonable.

4. *And be it further enacted*, That the superintendents of the Brothertown Indians, who now are and may hereafter be appointed, shall, during their continuance in office, be the superintendents of the Stockbridge Indians, for all the purposes mentioned in this act.

5. *And be it further enacted*, That the third section of the act, entitled "An act for the relief of settlers on the lands belonging to the Stockbridge Indians," passed 22d March, 1816, be, and the same is hereby repealed.

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An Act relative to the lot of land appropriated for the use of the missionary to the Oneida tribe of Indians.

Whereas, it doth appear by "An act for the speedy sale of unappropriated lands within this State, and for other purposes therein mentioned," passed 5th May, 1786, that there was appropriated in trust to the use of Samuel Kirkland, missionary to the Oneida tribe of Indians, a lot of land containing three hundred and twenty acres, in the former Oneida reservation, now town of Westmoreland, in the county of Oneida, and that by virtue of the two several acts passed the 11th April, 1808, and the 10th April, 1813, the Northern Missionary Society were authorized to lease the same for a term not exceeding ten years, and to apply the rent to the promotion of morality and religion among the said Indians: And it also appears by the petition of the said Indians, that the Northern Missionary Society have no person at present preaching among said Indians, nor are the said society doing any thing to promote their knowledge in the principles of religion and morality: Therefore, 1817.

New-York,  
1817.

*Be it enacted by the people of the State of New York, represented in Senate and Assembly,* That it shall and may be lawful for Nathan Williams, Morris S. Miller, and Samuel Royce, of the county of Oneida, to take in charge the said lot of land, and they or any two of them are hereby authorized, from and after the expiration of any lease or leases which may have been given by the Northern Missionary Society, by virtue of the said acts, passed the 11th April, 1808, and 10th April, 1813, to lease the said land to such person or persons, and in such parts or parcels as shall appear to them to be the most productive, for a term not exceeding five years from the passing of this act, and the rent shall be paid by the person or persons so leasing the same to the said Nathan Williams, Morris S. Miller, and Samuel Royce, or to their agent, agreeable to the conditions of such lease or leases, and when so received, be appropriated to the promotion of morality and religion amongst the said Oneida tribe of Indians, in such manner as, in their discretion, they shall deem best calculated to carry into effect the object of said grant.

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An Act concerning the lands lately purchased from the Oneida Indians, and for other purposes.

1817.

1. *Be it enacted by the people of the state of New York, represented in Senate and Assembly,* That the exchange of lands made with the second Christian party of the Oneida nation of Indians, by a treaty dated the twenty-seventh day of March, of the present year, be, and the same is hereby confirmed.

2. *And be it further enacted,* That the commissioners of the land office shall cause letters patent to be issued to Dolly Denney, Abraham Denney, John Denney, Sally Denney, Azor Brown, Rufus Pettibone, and the reverend Eleazor Williams, and their respective heirs and assigns, for the lands stipulated by said treaty to be granted to them respectively.

3. *And be it further enacted,* That the person administering the government of this state, shall cause six hundred acres of the lands mentioned in the said treaty to be sold, and the avails thereof to be applied to the building of a church for the said Indians, in the manner and according to the true intent of said treaty.

4. *And be it further enacted,* That the surveyor general shall cause the lands conveyed by said treaty to the people of this state, to be surveyed into lots, not exceeding one hundred and sixty acres each, and sell the same in the manner and on

the conditions mentioned in the fifteenth and sixteenth sections New York, of the act, entitled "An act concerning the commissioners of <sup>1817.</sup> the land office, and the sale of unappropriated lands," passed April 6, 1813, and that the monies arising from such sales be paid into the treasury, and be subject to the ordinary appropriations of the legislature.

5. *And be it further enacted,* That it shall be lawful for the person administering the government of this state, to appoint a special agent residing near the premises, to ascertain, on behalf of the people of this state, all trespasses which may be committed on said lands, and to give notice thereof to the person administering the government of this state, and to allow such agent compensation for his services as shall be just and reasonable.

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### 1818.

An Act to amend an act, entitled "An act for the benefit of the St. Regis Indians," passed March 26, 1802, and for other purposes.

*Be it enacted by the people of the state of New York, re-* <sup>1818.</sup> *presented in Senate and Assembly,* That in consequence of the death of two of the trustees named in the act of the twenty-sixth of March, one thousand eight hundred and two, for the benefit of the St. Regis Indians, Peter Tarbell and Jacob Francis, chiefs of said tribe, be and they are hereby appointed trustees for said tribe, to act with the surviving trustee, Loras Tarbell.

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### AN ACT for the relief of the Onondaga Indians.

Whereas, by a treaty holden by commissioners on the part of the state of New York, and the chiefs and warriors of the <sup>1818.</sup> Onondaga tribe of Indians, the twenty-eighth day of July, in the year one thousand seven hundred and ninety-five, it was stipulated, that the said tribe should receive an annual annuity of two thousand dollars per year, one thousand of which sum was to be paid at Canandaigua, and the residue at Onondaga, but the recent removal of almost the whole tribe to Onondaga, renders it necessary that the whole sum should be paid at Onondaga: *And whereas,* the said chiefs and warriors have petitioned that the whole sum may be paid at Onondaga, in order that a more equitable distribution may be made: Therefore,

*Be it enacted by the people of the state of New York represented in Senate and Assembly,* That the person whose

New York,  
1818.

duty it shall be to pay the annual annuity to the Onondaga Indians, shall, instead of paying one thousand dollars at Canandaigua, pay all the money due, or which may hereafter become due, to the said tribe at Onondaga, any usage or custom to the contrary notwithstanding.

AN ACT concerning the erection of a church, for the benefit of the second Christian party of the Oneida Indians.

1818.

Whereas by an act of the legislature, passed the fifteenth day of April, in the year one thousand eight hundred and seven-teen, six hundred acres of land belonging to said party was directed to be sold, and the avails thereof to be applied to the building of a church for the benefit of said Indians; and by a report of the surveyor general on that subject, it appears that for the greatest part of the proceeds thereof, obligations have been taken and the residue paid into the treasury: *And whereas*, the legislature deem it of essential benefit to the said party, that they realize the amount of the sales immediately for that laudable purpose: Therefore,

1. *Be it enacted by the people of the state of New York, represented in Senate and Assembly*, That the obligations so taken, and the monies so paid, shall be credited to the general funds of the state, and the sum equal thereto be appropriated for the aforesaid purpose, and applied in the manner hereinafter mentioned; and that the person administering the government of this state, shall appoint some suitable person or persons as agents to superintend the building of a church for the benefit of the said Indians, whose duty it shall be to expend the money in a prudent and economical manner to the best advantage for said Indians; and after the completion of said church, to render an account to the person administering the government of this state, the amount of money expended, and manner of expending the same.

2. *And be it further enacted*, That the treasurer of this state shall, on the warrant of the comptroller, pay such sum or sums as the person administering the government of this state shall direct, to the agent or agents appointed by virtue of this act, out of any monies in the treasury, not otherwise appropriated: *Provided*, the whole amount shall not exceed the sum for which the said six hundred acres have been sold; and if there shall remain any surplus after having paid all expenses incident to the building of said church, the person administering the government of this state shall dispose thereof in such manner as the said Indians shall require: *And further, the said*

agent or agents shall, before they proceed to the duties assigned <sup>New York,</sup> them, procure sufficient security, to the satisfaction of the <sup>1818.</sup> comptroller of this state, conditioned for the faithful discharge of the duties in the erection and completion of said church, and the expenditure of all the money received by them, or either of them, for the purposes aforesaid.

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### 1819.

An Act to authorize the payment in advance of a certain annuity from this state to the Stockbridge Indians.

1. *Be it enacted by the people of the state of New York, 1819. represented in Senate and Assembly,* That it shall and may be lawful for the comptroller, by and with the advice and consent of his excellency the governor of this state, forthwith to draw his warrant on the treasurer for the whole, or such part of the annuity which will become due from this state to the Stockbridge Indians in June next, to enable his excellency to pay the same in advance to the said Indians: *Provided, however,* That a rebate of interest at the rate of six per centum per annum be made on the sum advanced from the time of its payment until the same would fall due.

2. *And be it further enacted,* That the said money so drawn, shall be forthwith paid to the said Indians, in the same manner and proportion as the annuity ought to be paid: *Provided* the same shall be accepted by the said Indians in lieu of the said annuity.

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An Act confirming the treaty with the Stockbridge Indians, and for other purposes.

1. *Be it enacted by the people of the state of New York, 1819. represented in Senate and Assembly,* That the treasurer shall, on the warrant of the comptroller, from time to time, pay to the tribe of Indians called the Stockbridge Indians, the annuity secured to them by a treaty held by his excellency the governor with the chiefs and warriors of the said Stockbridge Indians, at the city of Albany, on the fourteenth day of July, in the year one thousand eight hundred and eighteen.

2. *And be it further enacted,* That the commissioners of the land office be, and they are hereby authorized and required, to issue letters patent to John Sargeant, junior, for two hundred and fifty acres of land, pursuant to a stipulation of the treaty aforesaid: *Provided,* That previous to the issuing of said let-



New York,  
1819.

ters patent, his excellency the governor shall certify, in writing, to the commissioners of the land office, and file it in said office, that in his opinion the said clause was not inserted in said treaty by the mistake or fraud of the delegates who executed the treaty on the part of the said Indians, and that he has fully investigated those facts.

An Act relative to the lands purchased by the State from the Indians.

1819.

*Be it enacted by the people of the State of New York, represented in Senate and Assembly,* That it shall be the duty of the commissioners of the land office to direct the surveyor general to cause actual surveys to be made of the Indian lands within this state, which have been purchased by this state, and have not been so surveyed into lots, in the manner directed by the act, entitled "An act concerning the commissioners of the land office, and the sale of the unappropriated lands," and to sell the same according to the direction of the said act; *Provided always,* That nothing contained in the seventeenth section of the said act, shall be construed to apply to the lands hereby directed to be sold: *And provided further,* That nothing herein contained shall be construed to extend to the lands purchased by the state from the St. Regis Indians.

An Act relative to certain improvements on the Fish Creek Indian reservation.

1819.

*Be it enacted by the people of the State of New York, represented in Senate and Assembly,* That it shall be the duty of the commissioners of the land office to cause to be appraised the value of the improvements on the six hundred and forty acres of land in the Fish Creek reservation, which, by a treaty with the Oneida Indians, certain Indian families then residing thereon, were entitled to enjoy as long as they should continue thereon; and the person administering the government of this state shall cause the amount of such appraisement to be paid to such Indian families on their removal from said land; and the comptroller shall draw his warrant on the treasurer for the same; whereupon, the commissioners of the land office shall dispose of said land in the manner directed by law for the sale of the unappropriated lands of this state.

### 1820.

An Act for the relief of the settlers on the lands lately purchased by this state of the Stockbridge Indians.

1820.

*Be it enacted by the people of the state of New York, represented in Senate and Assembly,* That it shall be the duty

of the commissioners of the land office to sell and convey the <sup>New York,</sup> lot occupied by each actual settler upon the land lately purchased <sup>1820,</sup> by the state of the Stockbridge Indians, according to the appraisal made by Charles C. Broadhead, surveyor, and upon the conditions of payment prescribed by law for the sales of unappropriated lands: *Provided*, That such occupants shall, within two months after the passing of this act, comply with the conditions of sale according to law.

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An Act for the relief of Harvey Durkee.

*Be it enacted by the people of the state of New York, re-* <sup>1820.</sup>  
*presented in Senate and Assembly*, That if the New Stock-  
bridge Indians, with the consent of the peace makers and su-  
perintendents, shall release and convey all their right and claim  
to three hundred acres of the land by them possessed, to be  
located in a square, to the people of this state, then it shall be  
lawful for the treasurer to pay, on the warrant of the comp-  
troller, the sum of six hundred dollars to Harvey Durkee, in  
full of his demand against the said Indians, admitted to be  
justly due from them to him.

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1821.

An Act relative to the Stockbridge Indians.

Whereas, it is represented to the legislature, by the Stock- <sup>1821.</sup>  
bridge Indians, that they are desirous to remove out of this  
state, and to aid them in such removal, have solicited the ad-  
vance to them of the principal of an annuity agreed to be paid  
by a treaty held in the month of July, one thousand eight hun-  
dred and eighteen: Therefore,

*Be it enacted by the people of the State of New York, re-*  
*presented in Senate and Assembly*, That whenever the per-  
son administering the government of this state shall be satis-  
fied that the said Stockbridge nation of Indians is about to re-  
move out of this state, it shall and may be lawful for him to  
advance to the said Indians, or to their authorized agent, out of  
the principal of the annuity aforesaid, such sum as he shall  
deem necessary to aid such removal, not exceeding one thousand  
dollars, which sum shall be paid by the treasurer of this state,  
out of any moneys in the treasury, not otherwise appropriat-  
ed, on the warrant of the comptroller; and in case the said sum  
shall be paid to any agent, security shall be required for the  
faithful application thereof to the purposes mentioned in  
this act.

## An Act for the relief of the Tuscarora tribe of Indians.

New York,  
1821.

*Be it enacted by the people of the state of New York, represented in Senate and Assembly,* That a certain tract of four thousand three hundred and twenty-eight acres of land, situate in the town of Lewiston, in the county of Niagara, belonging to the Tuscarora tribe of Indians, and conveyed to them by the Holland Land Company, be, and the same is hereby exempted and exonerated from all assessments and impositions of taxes, for any purpose whatever, so long as the same shall belong to the said tribe of Indians; and that whatever taxes may now be charged on the said land, shall be credited to the county of Niagara, unless the same have been already credited; but that no part of the said land shall be sold for the payment of such taxes, and no further proceedings shall be had for the collection of the same.

## An Act respecting intrusions on Indian lands.

1821.

1. *Be it enacted by the people of the State of New York, represented in Senate and Assembly,* That it shall be unlawful for any person or persons, other than Indians, to settle or reside upon any lands belonging to or occupied by any nation or tribe of Indians within this state, and that all leases, contracts and agreements made by any Indians, whereby any person or persons other than Indians, shall be permitted to reside upon such lands, shall be absolutely void; and if any person or persons shall settle or reside on any such lands contrary to this act, it shall be the duty of any judge of any court of common pleas of the county within which such land shall be situated, on complaint made to him, and on due proof of the fact of such settlement or residence, to issue his warrant under his hand and seal, directed to the sheriff of such county, commanding him within ten days after the receipt thereof, to remove such person or persons so settling or residing with his, her, or their families from such lands; and it shall be the duty of such sheriff accordingly, within the time aforesaid, to remove such person or persons, and for that purpose he shall have and possess the same powers as in the execution of criminal process; and such judge, for issuing such warrant and taking the preliminary proof, shall be entitled to receive a fee of one dollar in each case; and such sheriff, for executing the said warrant, shall be allowed such compensation as the comptroller shall certify to be reasonable; which fees shall be paid by the treasurer, on

the warrant of the comptroller, out of any moneys in the treasury, not otherwise appropriated. New York,  
1831.

2. *And be it further enacted,* That if any person or persons, after being so removed as aforesaid, shall return to settle or reside upon any lands occupied by or belonging to any nation or tribe of Indians within this state, such person or persons so offending, and being thereof convicted before any judge of the court of common pleas of the county where such lands are situated, upon the confession of the party offending, or proof of any witness or witnesses on oath, then the said judge, before whom such conviction shall be had, shall direct and send his warrant, under his hand and seal, to the sheriff of the said county, commanding him to arrest such person or persons forthwith, and to commit him or them to the common gaol of the said county, there to remain for the space of thirty days; and such sheriff shall accordingly arrest and commit such person or persons to the said common gaol for the term of time aforesaid, there to remain without bail and without being entitled to the liberties of the limits of the said gaol; and such judge shall cause such conviction to be drawn up and filed in the office of the clerk of the county; and no such conviction or adjudication shall be liable to be removed by certiorari or otherwise, but shall be deemed and taken to be final.

3. *And be it further enacted,* That the foregoing provisions of this act shall go into effect on the first day of July next, and not until that time; and that from and after the said first day of July next, the eleventh section of the act, entitled "An act relative to the different tribes and nations of Indians within this state," passed 10th April, 1813, be, and the same is hereby repealed: *Provided,* That all prosecutions which now are or may be commenced under the said section previous to the said first day of July next, shall and may be proceeded in to trial, conviction and punishment, in the same manner as if this act had not been passed.

4. *And be it further enacted,* That all prosecutions now pending against any settlers on the lands belonging to the Stockbridge tribe of Indians, shall be discontinued; and that no prosecutions shall be commenced against the said settlers either under this act, or under the eleventh section of the "Act relative to the different tribes and nations of Indians within this state," within three years from and after the first day of May next.

5. *And be it further enacted,* That it shall be the duty of the respective district attorneys of the several counties of this state, in which any lands belonging to any Indian tribe shall

New York,  
1821.

be situated, to prosecute, in the name of the people of this state, for any penalties that may be incurred under and by virtue of the act, entitled "An act to prevent trespasses on Indian lands within this state," passed April 2d, 1813; and one half of all moneys collected for violations of the said act, shall be paid to the treasurer of such county, and the other half thereof shall be paid to the Indian tribe on whose lands the said trespasses shall be committed; and that so much of the second section of the said recited act as is contrary to the provisions of this section, be, and the same is hereby repealed.

6. *And be it further enacted*, That it shall be the duty of the said district attorneys, respectively, to make complaint of all intrusions upon Indian lands forbidden by this act, and from time to time to make inquiries whether any persons other than Indians are settled upon such lands, and to cause them to be removed in the manner herein prescribed, and in case of their return, to complain to some judge of the county that the provisions of this act may be carried into effect; and for their attendance before any such judge, on making such complaint, they shall respectively be allowed the same fees as for the trial of an indictment in the court of general sessions of the peace, to be paid in like manner as those fees are now paid by law.

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### 1822.

An Act in addition to an act, entitled "An act relative to the lot of land appropriated for the use of the Missionary to the Oneida tribe of Indians," passed April 15, 1817.

1822.

Whereas, the leases executed under the act to which this is in addition, will expire in the month of April next: And whereas, the lessees of the said land, Uriah Goodwin, Hart Gates, Daniel Searl, Isaac I. Jones, Andrew J. Bell, and Eliza Crary, have presented their petition to the legislature, praying that the said lands may be leased to them in fee or for a long term of years: Therefore,

*Be it enacted by the people of the state of New York, represented in Senate and Assembly*, That Nathan Williams, Roderick Morrison, and Samuel Royce, of the county of Oneida, be and they are hereby appointed commissioners for leasing the said land; and they, or any two of them, are hereby authorized and empowered to execute leases to the above named petitioners, respectively, of the parts or proportions of the said land which the said petitioners now severally hold or possess, for a term not exceeding forty years, to commence on the termination of the leases heretofore granted, and at such

reasonable rent as the said commissioners, or any two of them, <sup>New York, 1822.</sup> may deem proper, which said rents shall be reserved to the people of this state; and the leases to be given, shall contain suitable and proper covenants and conditions for securing the payment of the said rents, and the good management and improvement of the said lands; and the said commissioners, or their agent, shall, until some other legislative provision be made in the premises, from time to time receive the rents so to be reserved, and appropriate the same, after deducting all necessary and proper charges, in like manner as is directed in and by the act to which this is in addition: *Provided, however,* That in case the said lessees of the above mentioned property, or any one of them, neglect or refuse to renew their leases at such a rent as the commissioners shall deem fair and reasonable, and at such time as the commissioners shall appoint for that purpose, it shall be the duty of the said commissioners to lease the said property to such other person or persons as they may think proper.

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An Act relative to the Stockbridge Indians.

Whereas, it is represented to this legislature by the Stockbridge Indians, that they have purchased lands in the vicinity of Green Bay, in the Michigan territory, and that they are desirous to remove thither; and to aid them in paying for said lands and removing thereto, they have solicited the advance to them of the balance of principal of an annuity agreed to be paid by a treaty held in the month of July, one thousand eight hundred and eighteen: Therefore,

*Be it enacted by the people of the state of New York, represented in Senate and Assembly,* That whenever the person administering the government of this state shall be satisfied that the said Stockbridge nation of Indians shall have obtained a valid title to said lands, and are about to remove thereto, it shall and may be lawful for him to advance to the said Indians, or to their authorized agent, the residue of the principal of the annuity aforesaid, in such sums and at such times as he shall deem necessary to pay for said lands, and to aid said Indians in their removal, which sums shall be paid by the treasurer of this state, out of any monies in the treasury, not otherwise appropriated, on the warrant of the comptroller; and in case the said monies shall be paid to any agent, security shall be required for the faithful application thereof to the purposes mentioned in this act.

**An Act concerning the lands lately purchased of the Stockbridge Indians.**

New York,  
1822.

1. *Be it enacted by the people of the state of New York, represented in Senate and Assembly,* That the purchase of lands made by a treaty on the twenty-third day of February last, from the chiefs and warriors of the tribe of Indians, called the Stockbridge Indians, residing on the tract of land in the counties of Oneida and Madison, called New Stockbridge, be, and the same is hereby confirmed.

2. *And be it further enacted,* That the commissioners of the land office shall cause letters patent to be issued to John Gregg and John Hadcock, respectively, and to their respective heirs and assigns forever, for the lands stipulated in the said treaty to be granted to them respectively.

**An Act for the relief of purchasers of lands bought of the Onondaga Indians, in the year one thousand eight hundred and seventeen.**

1822.

*Be it enacted by the people of the state of New York, represented in Senate and Assembly,* That the comptroller shall stay all proceedings against said purchasers until the twenty-second day of December next, at which time he shall, upon the payment of one years interest, remit to them all the arrears of interest then remaining, and put to their credit all the previous payments of interest made, as so much paid on the principal.\*

**An Act relative to the mortgages therein mentioned.**

1822.

*Be it enacted by the people of the state of New York, represented in Senate and Assembly,* That the comptroller be, and he is hereby authorized and required to estimate and charge interest at the rate of six per centum per annum, on the several mortgages executed by the purchasers of a tract of five hundred acres of land, authorized to be sold by the superintendents of the Brothertown and Stockbridge Indians, by the sixth and seventh sections of the act, entitled "An act to amend an act, entitled 'An act relative to Indians,'" passed April 7, 1806: *Provided,* That the assent of the peace makers of the said Indians shall first be given in writing to such reduction of interest.

**An Act declaring the jurisdiction of the courts of this state, and pardoning Soo-nou-gize, otherwise called Tommy Jemmy.**

1822.

Whereas, the Seneca and other tribes of Indians residing within this state, have assumed the power and authority of try-

ing and punishing, and in some cases capitally, members of New York, their respective tribes, for supposed crimes by them done and committed in their respective reservations, and within this state. And whereas, the sole and exclusive cognizance of all crimes and offences committed within this state, belongs of right to courts holden under the constitution and laws thereof, as a necessary attribute of sovereignty, except only crimes and offences cognizable in the courts deriving jurisdiction under the constitution and laws of the United States. And whereas, it has become necessary, as well to protect the said Indian tribes, as to assert and maintain the jurisdiction of the courts of this state, that provision should be made in the premises: Therefore,

1. *Be it enacted by the people of the state of New York, represented in Senate and Assembly,* That the sole and exclusive jurisdiction of trying and punishing all and every person of whatsoever nation or tribe, for crimes and offences committed within any part of this state, except only such crimes and offences as are or may be cognizable in courts deriving jurisdiction under the constitution and laws of the United States, of right belongs to, and is exclusively vested in, the courts of justice of this state, organized under the constitution and laws thereof.

And whereas, it has been represented that Soo-non-gize, otherwise called Tommy Jemmy, an Indian of the Seneca tribe, has been indicted for the murder of Caugh quaw taugh, an Indian woman of the same tribe, which murder is alleged to have been committed within the Seneca reservation, in the county of Erie. And whereas, it is further represented that the said alleged murder was committed under the pretence of authority derived from the councils of the chiefs, sachems, and warriors of the said tribe; and under the then existing circumstances, it is deemed by the legislature expedient to pardon him: Therefore,

2. *Be it further enacted,* That the said Soo-non-gize, otherwise called Tommy Jemmy, be, and he is hereby fully and absolutely pardoned of and from the said felony.

An Act to amend the act, entitled "An act relative to the different tribes and nations of Indians, in this state."

*Be it enacted by the people of the state of New York, re-1822. presented in Senate and Assembly,* That the provisions of the third section of the act, entitled "An act relative to the different tribes and nations of Indians in this state," passed



New York,  
1822.

April 10, 1813, be, and they are hereby extended to the Onondaga tribe of Indians, and that any person or persons who shall sell to any Indian of said tribe, or to any Indian residing with or visiting said tribe, any rum, brandy, gin, or other ardent spirits, within the county of Onondaga, shall be deemed guilty of a public offence, and be subject to the penalties provided in and by the said section, to be recovered and paid in the manner therein prescribed.

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1823.

An Act to amend an act, entitled "An act for the relief of purchasers of lands bought of the Onondaga Indians, in the year one thousand eight hundred and seventeen," passed March 22, 1822.

1822.

*Be it enacted by the people of the state of New York, represented in Senate and Assembly,* That the time mentioned in the act hereby amended, within which purchasers were to pay one year's interest, and have remission for all arrears of interest, and a credit of all previous payments of interest made as so much paid on the principal, shall be, and hereby is, extended to the first day of March next.

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An Act for the relief of the Stockbridge Indians.

1826.

Whereas, the Stockbridge Indians have represented by their petition, that moneys paid by the people of this state on their behalf, have not been properly applied when placed in the hands of their peace-makers for distribution, and that they are on that account liable to imposition: Therefore,

1. *Be it enacted by the people of the state of New York, represented in Senate and Assembly,* That the amount directed to be paid by the treasurer, on the warrant of the comptroller, by the forty-ninth section of the act, entitled "An act relative to the different tribes and nations of Indians within this state," passed 10th April, 1813, shall be paid to the superintendents of the said Stockbridge Indians, to be by them applied to the purposes mentioned in said forty-ninth section, instead of paying the same to their schoolmaster, in the manner therein provided.

2. *And be it further enacted,* That all moneys due to the Stockbridge Indians, by treaty or otherwise, shall be paid to the superintendents of the said Stockbridge Indians, to be by them applied on the order of the peace-makers, chiefs and warriors of the said tribe, for their benefit, and to enable them to remove to Green Bay; and that the superintendents account

with the comptroller annually, on or before the first of January <sup>New York,</sup> in each year, for all moneys which shall come to their hands. <sup>1822.</sup>

3. *And be it further enacted,* That in case any treaty shall hereafter be held and made with the said Indians by the people of this state, it shall be the duty of the said superintendents, some or one of them, to be present and attend at the meeting thereof, and to receive such sum or sums of money as shall be stipulated to be paid to them by such treaty; and in case of the non-attendance of such superintendent or superintendents at the time of making any such treaty, it shall be lawful for the executive or other agent or agents on the part of the people of this state, to pay any such moneys to the peace-makers and such other of the said Indians as may be present at the making of such treaty, and as shall be properly authorized by the said Indians to consent and enter into the same: *Provided, however,* That no monies shall be paid to any superintendent or agents, unless good and ample security, if required, is given to the comptroller for the faithful application of said monies to the purposes mentioned in this act.

4. *And be it further enacted,* That the said superintendents shall appoint an agent to reside among the said Indians, whose duty it shall be to give to the said superintendents information of all trespasses done on the lands of said Indians, and generally to perform such services for the benefit of said Indians, or as the said superintendents shall, from time to time direct, who shall receive from them such compensation as they shall deem reasonable, not exceeding thirty dollars per annum, out of the funds in their hands belonging to said Indians.

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An Act for the disposal of the lands lately ceded to the people of this state by the Onondaga and Stockbridge Indians.

1. *Be it enacted by the people of the state of New York, 1822, represented in Senate and Assembly,* That the surveyor-general shall, as soon as may be, cause the lands purchased from the Onondaga Indians, at a treaty held on the eleventh day of February, one thousand eight hundred and twenty-two, to be surveyed into lots and sell the same, in the manner and on the conditions directed by law for the sale of the unappropriated lands of the state.

2. *And be it further enacted,* That the surveyor-general shall, in like manner, cause to be surveyed the lands purchased from the Stockbridge Indians, at treaties held with them on the third day of February and the twenty-eighth day of August, one thousand eight hundred and twenty-two, together

New York,  
1823.

with three hundred acres conveyed by the said Indians to the said people, on the twenty-fifth day of March, in the year one thousand eight hundred and twenty; and the commissioners of the land office shall cause letters patent to be issued to John Hadcock, William Page, Mary Docksteder, and Elihu Lewis, for the lands stipulated in the last mentioned treaty, to be granted to them respectively; and also to Jacob Kunkepot, for the lands mentioned in said treaty, as laid out for him by the said Indians: *Provided*, That before letters patent be issued for any of said lots, if any person other than the patentee shall have improvements thereon to which he may have an equitable right, satisfactory proof shall be produced that he has been paid for the same, as required by said treaty and the treaty last mentioned in this section, he, and the same is hereby confirmed; and the surveyor-general shall sell the residue of said lands in manner aforesaid: *Provided*, That every person having an improvement on any lot to the value of fifty dollars, shall have the right of pre-emption for the same, until the expiration of six months from and after the time when the survey thereof shall be returned to the surveyor-general's office, at such price as the same shall be valued at, exclusive of the improvements thereon, by appraisers to be appointed by the commissioners of the land office for that purpose.

3. *And be it further enacted*, That the appraisers to be appointed as aforesaid, shall, before they enter upon their duties, take and subscribe an oath before some proper officer, that they will faithfully make the appraisements required by this act, according to the best of their judgment and ability; and such appraisers shall, in like manner, appraise the value of the improvements, to be paid for by the persons to whom letters patent are to be granted as aforesaid, and ascertain the persons who may appear to be equitably entitled thereto.

An Act for the relief of Mary Doxtater, and for other purposes.

1826.

*Be it enacted by the people of the state of New York, represented in Senate and Assembly*, That it shall be lawful for the commissioners of the land office, and they are hereby required to confirm the Indian title to Mary Doxtater, of the tribe of Indians settled on a tract of land called New Stockbridge, the land in said tract as was laid out for her by the said Indians, or the Indian right thereto, which she may have purchased or inherited: *Provided*, That the same in the whole shall not exceed three hundred acres of land, and such land shall be confirmed to her and her heirs, without the power of aliena-

tion: And further, that the said Mary Duxtater shall make further proof from the town records of New Stockbridge, to the surveyor-general, that she has purchased the said Indian title in an honest and equitable manner, before she shall be entitled to letters patent as aforesaid. New York, 1823.

### 1824.

An Act for the relief of certain persons having made or purchased improvements on the lands lately ceded to this state by the Stockbridge Indians, and for other purposes.

1. *Be it enacted by the people of the state of New York, represented in Senate and Assembly,* That the commissioners of the land office shall, as soon as may be, cause the value of the several lots of the lands purchased from the Stockbridge Indians at a treaty on the sixteenth day of September, one thousand eight hundred and twenty three, to be appraised, exclusive of the improvements thereon; and the appraisers to be appointed for that purpose, shall also make a separate appraisal of the value of the improvements on each lot, and shall, as soon thereafter as may be, make returns of such appraisements to the said commissioners: And the appraisers to be appointed by the said commissioners for the purposes aforesaid, shall, before they enter on their duties, take and subscribe an oath before some proper officer, that they will faithfully make the appraisements required by this act, according to the best of their judgment and ability. 1824.

2. *And be it further enacted,* That it shall be the duty of the said appraisers, together with the superintendents of the Stockbridge Indians, to ascertain as far as practicable, the amount which was on the sixteenth day of September last due to said Indians on purchase or leases of improvements, or of the privilege of occupancy of the said lands, specifying the lots on which such improvements have been made: And the said appraisers shall report with their appraisements a statement of such dues, together with the evidences thereof, as far as they shall have been able to procure them.

3. *And be it further enacted,* That it shall be lawful for the commissioners of the land office to sell on the condition prescribed by law for the sale of unappropriated lands, every lot of the aforesaid lands having improvements on it to the value of fifty dollars, to the owner or owners thereof: *Provided,* That within three months after the appraisal made as aforesaid, shall be reported to the said commissioners, application for the purchase of such lot shall be made, with sa-

New York,  
1824.

tisfactory proof that the applicant is the owner of the improvements thereon: *And provided also*, That no purchase made from any of said Indians after the sixteenth day of September last, shall be considered as conveying a right to any improvements.

4. *And be it further enacted*, That the consideration money for each of such lots, shall be the sum at which the same shall be appraised as aforesaid, exclusive of the improvements thereon; and if it shall appear on the report to be made as herein before directed, that on the purchase of the improvements or privilege of occupancy on any lot, there was any thing due to said Indians, or any of them, on the sixteenth day of September last, the amount thereof as so reported shall be added to the consideration for the same: And if it shall appear from the returns to be made as aforesaid, that there is due from the purchasers of improvements or privileges of occupancy of said lands, a sum in the aggregate less than eight hundred dollars, the difference shall be apportioned and added to the consideration monies, to be paid on the other lots to be sold to owners of improvements, pursuant to this and the preceding sections of this act, and the surveyor general shall, in the manner directed by law for the sale of unappropriated lands, sell all the residue of the lands aforesaid.

5. *And be it further enacted*, That the treaty made with the New Stockbridge Indians, on the sixteenth day of September last, for the purchase of certain lands therein mentioned, be, and is hereby confirmed, and the commissioners of the land office are directed to issue letters patent according to the said treaty, to Austin Mygatt, Michael Waner, Mary Doxtader, Daniel Fowler, and John Hadcock, for the lands reserved to them respectively.

6. *And be it further enacted*, That Mary Doxtader, of the Stockbridge tribe of Indians, be, and is hereby authorized and empowered to sell and convey, in fee simple, to any person or persons whomsoever, out of any lands that she may own in this state, a quantity not exceeding two hundred acres, to enable her to defray the expenses of educating her children.

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An Act for the relief of the St. Regis Indians.

1824.

*Be it enacted by the people of the state of New York, represented in Senate and Assembly*, That it shall be the duty of the comptroller to draw his warrant on the treasury, for the payment of any sum not exceeding seven hundred and thirty-

five dollars and seven cents, in favor of Asa Hascall, district <sup>New York,</sup> attorney for the county of Franklin, upon his certificate or <sup>1822.</sup> certificates of the amount of rents due to the said St. Regis Indians, from settlers on certain lands, ceded by them to the people of this state, by treaty dated twentieth February, one thousand eight hundred and eighteen; and it shall be the duty of the said Asa Hascall, on receiving said money, to pay or cause to be paid to the said Indians, or their legal representatives, such sum as shall be by him received as aforesaid; and on payment of such sum to said Indians as aforesaid, it shall be taken and deemed in full satisfaction and discharge of all claims of the said Indians, for any arrears of rent due to them as aforesaid: *Provided always*, That the said Asa Hascall shall specify in his certificate as aforesaid, to the comptroller, the amount due for rent from each individual named in said certificate, the number of acres occupied by each, and the terms on which said land was occupied; and that the said certificate shall be given within six months from the passing of this act.

An Act to provide for the appointment of peace-makers and town clerk for the Stockbridge Indians, and for other purposes.

Whereas, it appears by a petition from the Stockbridge In- <sup>1822.</sup> dians, that there has difficulty arisen in their nation, respecting their mode of appointing peace-makers, on account of the mulattoes and negroes that have been adopted into their nation, and the Stockbridge Indians pray that a law may be passed so as to prevent any further difficulty as to the mode of appointing peace-makers and town clerk in their nation: Therefore,

1. *Be it enacted by the people of the State of New York, represented in Senate and Assembly*, That it shall be lawful for the Stockbridge and Delaware Indians that have been adopted into the Stockbridge tribe, to meet in general council, and by a majority of votes given in such council, to appoint peace-makers and town clerk; and such peace-makers and town clerk shall hold their office for the term of one year.

2. *And be it further enacted*, That it shall not be lawful for any negro or mulatto to meet or vote in any such council, after the passing of this law; and it shall be the duty of the town clerk of the Stockbridge Indians, to transmit the names of the peace-makers and town clerk to the superintendents of Indian affairs, and it shall be the duty of the said superintendents to keep a record of the same.

3. *And be it further enacted*, That all persons claiming improvements on the lands mentioned in the second proviso to

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1824.

the second section of the act, entitled "An act for the disposal of the lands lately ceded to the people of this state by the Onondaga and Stockbridge Indians," passed March 12, 1823, shall, on or before the 19th day of May, one thousand eight hundred and twenty-four, submit their respective claims to the decision of Truman Enos, of Paris, in the county of Oneida, who is hereby appointed to hear and determine all claims that may be presented to him as aforesaid, in relation to such improvements, and the right of pre-emption in consequence thereof granted by the said act; and the said Truman Enos shall, immediately thereafter, transmit his decisions to the surveyor-general of this state, who shall grant his certificates accordingly, on the payments being made and bonds executed, as required by law.

4. *And be it further enacted*, That the said Truman Enos shall, in like manner, hear and determine all claims that shall be presented to him under the third section of the act, entitled "An act for the relief of certain persons having made or purchased improvements on the lands lately ceded to this state by the Stockbridge Indians, and for other purposes," passed February 21, 1824: *Provided*, That such claims shall be presented within three months after the appraisement required by the said act shall have been returned to the commissioners of the land office; and the said Truman Enos shall, without delay, report his decisions on such claims to the said commissioners, who shall accordingly make the sales required by the aforesaid act.

5. *And be it further enacted*, That the said Truman Enos shall give notice, for at least two weeks, in one newspaper printed in each of the counties of Oneida and Madison, of the time and place for determining the said claims, and shall also take and subscribe an oath faithfully and impartially to perform the duties aforesaid, which oath shall be filed in the surveyor-general's office: *And further*, That the one half of the expense of conducting the said investigations, shall be paid by the persons respectively to whom the right of pre-emption shall be awarded, and the other half by the opposing parties: *Provided*, That the said Truman Enos shall not charge more than three dollars for hearing and determining any one claim.

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An Act relating to the Mile Square on Grass river, in the county of St. Lawrence, and for other purposes.

1824.

1. *Be it enacted by the people of the state of New York; represented in Senate and Assembly*, That the treaty concluded

between the governor of this state and the St. Regis tribe of <sup>New York,</sup> Indians, on the sixteenth day of March last, for the purchase <sup>1834.</sup> of the tract of land known and distinguished as the Mile Square, including the Indian mills on Grass river, in the town of Massena, in the county of St. Lawrence, be, and the same is hereby approved of and ratified.

2. *And be it further enacted,* That it shall be the duty of the surveyor-general, as soon as conveniently may be, to cause the said Mile Square to be surveyed into suitable lots for sale; and that he sell the same, together with the improvements thereon, in the manner directed by law, for the sale of the unappropriated lands of this state.

3. *And be it further enacted,* That the authority given by the act passed the present session of the legislature, "for the relief of the St. Regis Indians," to Asa Hascall to audit and receive, and the comptroller to draw his warrant for payment of certain moneys for rents due the St. Regis Indians, shall extend and apply as well to rents due the said Indians, from the lands ceded by them to this state, by treaty dated March fifteenth, one thousand eight hundred and sixteen, as to the rents mentioned in the aforesaid act; but the whole amount to be paid for rents due from the lands ceded by both treaties, shall not exceed the sum of seven hundred and thirty-five dollars and seven cents, being the sum mentioned in the said act, and the same shall be deemed to be in full satisfaction and discharge of all claims of the said Indians for arrears of rent under both treaties.

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## 1825.

An Act relating to the purchase of lands from the Stockbridge Indians, and for the relief of settlers on the same.

Whereas, the Stockbridge Indians have, by their petition, <sup>1825.</sup> signified a desire to sell the residue of their lands situate in New Stockbridge, for the purpose of enabling them to remove to Green Bay, in the territory of Michigan: Therefore,

1. *Be it enacted by the people of the state of New York, represented in Senate and Assembly,* That it shall and may be lawful for the person administering the government of this state to treat with the Stockbridge Indians for the purchase of lands belonging to the nation or to individuals, and in such purchase to allow them a fair price for their lands, first deducting such sum as the improvements shall be estimated at by the provisions in the third section of this act, and also all the



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expenses which may be incurred by the state in the survey, appraisal, and disposition of the lands, and all other expenses which may arise in carrying this act into effect.

2. *And be it further enacted*, That it shall and may be lawful for the person administering the government of this state, to appoint, by and with the consent of the said Indians, to be expressed in and by the said treaty, such agent or agents as he may think necessary, to take charge of the money to be paid the Indians for their lands, and to go with them to Green Bay, taking from such agent or agents sufficient bonds to the people of this state, to account with the comptroller for all monies that may come into his or their hands, and to discharge faithfully the duties of his or their appointment; which agent or agents shall receive for his or their services such sum as the person administering the government of this state shall deem an adequate compensation, to be paid out of the purchase money to be given by this state for the lands purchased in pursuance of this act; and such agent or agents shall follow the instructions which may be given by the person administering the government of this state.

3. *And be it further enacted*, That it shall be the duty of the commissioners of the land office, pursuant to the directions of the act concerning the commissioners of the land office, and for the sale of unappropriated lands, forthwith to cause all the said lands which have not already been surveyed, to cause all the said lands, exclusive of any improvements made thereon, to be appraised, and also to cause all the improvements made upon the said lands, or any part thereof, to be valued and appraised separate from the appraised value of the said lands: *Provided* such improvements were made before the first of November last, and shall exceed in value fifty dollars; and it shall be the duty of the appraiser in making out the appraisement, to deduct from the appraised value of such improvements a reasonable allowance for the use of the lands by the occupants, in cases where such occupant, or those under whom he claims, have not paid to the Indians a rent equal to the use of the improvements, and also to deduct the deterioration in the value of the land which has been occasioned by the occupant, or those under whom he claims, by having cut and carried away the timber during their occupancy; and also to deduct therefrom such sum as the appraiser or appraisers may deem proper for any other injury done by the occupant, or those under whom he may claim; and the appraiser or appraisers shall in no case allow for the improvements a greater sum than the lot would sell for over and above what such lot would have brought in a

wild and uncultivated state; and it shall be the further duty of <sup>New York,</sup> the said appraiser in making the said appraisement, to set down <sup>1839.</sup> and designate particularly therein the name of each person actually owning, and of right interested in any of the said improvements, which of the said owners are Indians and which are whites, the number of acres of the said improvements owned by each, the value per acre, and the total value of the improvements of each, such person, and the amount due to each for such improvements, after making the deductions aforesaid, and the account for making the said survey and appraisal shall be audited by the said commissioners and paid out of the purchase monies to be given for the said lands.

4. *And be it further enacted,* That it shall be the duty of the surveyor-general, as soon as the said survey and appraisal shall have been completed pursuant to the directions of this act, and a return thereof received at his office, to transmit a copy of such survey and appraisement to the person administering the government of this state, the better to enable him to make the treaty contemplated in the first section of this act; and that in the treaty to be made with the said Indians for the purchase of their lands, a suitable provision shall be made for the support and removal to Green Bay of such of the poor and indigent Indians as belong to the Stockbridge tribe, and as are now residing in New Stockbridge, and are not entitled to lands.

5. *And be it further enacted,* That the treasurer shall pay, on the warrant of the comptroller, to the order of the person administering the government of this state, such sum or sums of money as shall in and by the said treaty so to be made as aforesaid, be due to the said Indians, or any of them, either for the said lands or for the improvements thereon, owned by them or any or either of them, and agreed to be purchased by the terms of the said treaty; and it shall be the duty of the commissioners of the land office, within one month after the execution of the treaty to be made pursuant to this act, to meet together and take into consideration the appraisal of the improvements upon the said lands, or any part thereof belonging to such white persons as by the said survey and appraisal shall appear to be owners of improvements on the said lands, and to make such further enquiries as they shall think necessary, either as to the correctness of the appraisal of the sale of the said lands, or of the said improvements; and after having obtained such information as to them shall be satisfactory, in their discretion to order the treasurer, on the warrant of the comptroller, to pay to each of the said persons the appraised value of their said improvements respectively, or to order a sale of the

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lots upon which the said improvements may be, to each of the persons owning such improvements, at the price at which the said lots shall have been appraised, exclusive of such improvements, with the addition of the proportionable expenses made by the state in the purchase of the said lands, upon each of the said persons, within three months after they shall have received notice of such determination of the said commissioners, complying in all respects with the provisions of the act regulating the sale of the unappropriated lands of this state.

6. *And be it further enacted*, That the lands so purchased from the Indians, with the improvements thereon, shall be sold in the manner and on the conditions mentioned in the act, entitled "An act concerning the commissioners of the land office, and the sale of the unappropriated lands," passed April 6th, 1813, except such lots as may be disposed of under the fifth section of this act.

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An Act for the appointment of an agent for the Onondaga tribe of Indians.

1825.

*Be it enacted by the people of the state of New York, represented in Senate and Assembly*, That it shall and may be lawful for the person administering the government of this state, as often as it may be necessary, to appoint an agent for the Onondaga tribe of Indians, who shall hold his office two years, unless sooner removed by the person administering the government of this state; and that so much of the forty-fourth section of the act, entitled "An act relative to the different tribes and nations of Indians within this state," passed the tenth of April, one thousand eight hundred and thirteen, as relates to the appointment of an agent for the Onondaga Indians, be, and the same is hereby repealed.

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An Act for the relief of the second Christian party of Oneida Indians, and for other purposes.

1825.

1. *Be it enacted by the people of the state of New York, represented in Senate and Assembly*, That it shall not be lawful for the surveyor-general to sell lot number thirty-one, commonly called the Butternut Orchard lot, lately purchased by the people of this state of the first Christian party of the Oneida Indians, situated on the south side of the Seneca turnpike road, near the church of the second Christian party of Oneida Indians; and that it shall and may be lawful for the person administering the government of this state, and he is hereby authorized to make an exchange of the said lot of land

with the second Christian party of Oneida Indians, for other lands belonging to the last mentioned Indians, upon such terms and conditions as he may deem equitable and just, and in such manner as to secure to the second Christian party of Oneida Indians the use and enjoyment of the said lot of land, for the sole and only use of such missionary or missionaries as shall from time to time preach amongst the said Indians, and in such manner that the said lot shall revert to the people of this state when the Indians shall cease to use it for the purpose aforesaid.

2. *And be it further enacted*, That it shall and may be lawful for the person administering the government of this state to purchase a part of the lands of the Stockbridge Indians, situated in New Stockbridge, in case the whole cannot be obtained, any thing in the act, entitled "An act relating to the purchase of lands from the Stockbridge Indians, and for the relief of the settlers on the same," passed the twelfth day of March, one thousand eight hundred and twenty-five, to the contrary notwithstanding.

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An Act relative to certain lands in the St. Regis reservation, in the county of Franklin.

Whereas, the Indians of the St. Regis tribe did, by two certain indentures of lease, bearing date the twentieth day of October, and twenty-third day of October, respectively, in the year of our Lord one thousand eight hundred and seventeen, (which leases are sanctioned and confirmed by the legislature of this state,) convey certain premises therein described, in consideration of a certain annuity or rent annually to be paid for a term of years, with a condition for the renewal of said leases as often as the same might expire, and upon the same terms: And whereas, by the subdivision of said premises among a number of occupants, or by the removal of the said Indians from their present possessions, they may experience difficulty and loss in collecting and receiving the rents reserved and annually due by virtue of the conveyances aforesaid: Therefore,

*Be it enacted by the people of the state of New York, represented in Senate and Assembly*, That it shall and may be lawful for the grantee in the said conveyances named, or his assigns, to convey the premises therein described to the people of this state; and whenever the said grantee or his assigns shall have paid, or secured to be paid into the treasury of this state, a sum equal to the principal of the annuity yearly pay-

New York,  
1825.

able to said Indians by virtue of the conveyances aforesaid, at the rate of six per cent. per annum, it shall be the duty of the commissioners of the land office to re-convey by letters patent to the said grantee or his assigns so paying or securing the payment of the sum above mentioned, and forever thereafter the annuity reserved in the conveyances aforesaid, shall annually be paid to said Indians, in like manner as their other annuities from this state are now payable.

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An Act to amend the act, entitled "An act respecting intrusions on Indian lands," passed March 31, 1821.

1825.

*Be it enacted by the people of the state of New York, represented in Senate and Assembly,* That whenever the judges of the county courts of any county in this state, within which any reservation or tract of land occupied by any tribe or nation of Indians may be situate, or a majority of them, shall, on the request of any such tribe or nation of Indians, or the major part of them, grant a license in writing to any schoolmaster, teacher, or family of teachers, to enter and to reside upon any such lands or reservation, and for that purpose to occupy so much land as the said judges shall in such license specify, not exceeding fifty acres; and whenever the said judges, or a majority of them, shall as aforesaid grant a license to any person to reside upon any such reservation, for the purpose of instructing the said Indians in agriculture, the mechanic arts, or to erect for them any mill or other machinery, or to attend and keep in repair any mill or other machinery, or to assist such Indians in the manufacture of salt, the person or persons to whom such license shall be granted, shall not be subject to the provisions contained in the act, entitled "An act respecting intrusions on Indian lands," passed March 31, 1821: *Provided,* That the said judges, or a majority of them, may at any time in their discretion revoke any such license so granted by them as aforesaid; and it shall be their duty to revoke the same whenever it shall appear that any person to whom the same was granted, has sold, given away, or in any way distributed any ardent spirits among the said Indians; and whenever such license shall be so revoked, the same shall cease to have any force or effect whatever; and it shall be the duty of the district attorney of the county wherein such reservation shall be situate, to proceed and cause the removal of such person or persons from such reservation, according to the provisions of the act aforesaid.

**An Act to authorize Mary Duxtader, of the Stockbridge tribe of Indians, to sell and convey certain lands.** New York, 1825.

*Be it enacted by the people of the state of New York, represented in Senate and Assembly,* That Mary Duxtader, of the Stockbridge tribe of Indians, be, and she is hereby authorized and empowered to sell and convey in fee simple, to any person or persons whomsoever, one hundred acres out of any land she may now own in this state, and the Indian title to which may have been confirmed to her by the commissioners of the land office, in pursuance of the provisions of the act, entitled "An act for the relief of Mary Duxtader, and for other purposes," passed April 23, 1823.

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**1826.**

**An Act for the relief of settlers on lands purchased by the state, of the Stockbridge Indians.**

*Be it enacted by the people of the state of New York, represented in Senate and Assembly,* That it shall be the duty of the commissioners of the land office to order a sale to each person of the lot upon which said person shall have made such improvements as by the provision of an act, entitled "An act relating to the purchase of lands from the Stockbridge Indians, and for the relief of settlers on the same," passed March 17, 1825, authorized the said commissioners to make an order of sale to such person or persons, and the sale to such persons shall be made according to the provisions of said act: *Provided,* That the commissioners of the land office be authorized to order a new appraisal of said lots, exclusive of said improvements, if the said commissioners shall deem it for the interest of the state, and that the expense of said appraisal, with the interest on the same from the time the treaty was made with the said Indians for said lands, be added to the appraised prices of said lots: *And provided further,* That in case a new appraisal shall be made, the said settlers shall apply for the sale of said lots within thirty days from such new appraisal, and shall satisfy the said commissioners that they have paid a reasonable rent to the said Indians for said lots; and if the said settlers have not paid reasonable rent, that the said commissioners shall have the right to add to said new appraisal such further amount as shall be appraised to be reasonable for such settlers to pay, and such further allowance for rent shall be for the use of the said Indians.

An Act to amend the act, entitled "An act relating to the purchase of lands from the Stockbridge Indians, and for the relief of the settlers residing on the same."

New York,  
1826.

Whereas, it is represented that the appraisers appointed in pursuance of the act hereby amended, have corrected mistakes made in their report, of the appraisements by them of the New Stockbridge lands; and the commissioners of the land office have decided that they have no authority under said act to admit any corrections of said report after its delivery: For remedy whereof,

1. *Be it enacted by the people of the state of New York, represented in Senate and Assembly,* That it shall be lawful for the commissioners of the land office to admit of the corrections which have so been made, any thing in the said act to the contrary notwithstanding: *Provided,* That the said commissioners shall, if they deem it necessary, receive further evidence relative to the value of the soil and improvements, and the rightful owners thereof; and the said commissioners shall, in their discretion, then either direct grants to be made to the owners of the improvements, or direct either or all of the said lots to be sold by auction.

2. *And be it further enacted,* That the lots of land in said New Stockbridge, set by the appraisers to the names respectively, of Thomas Wainer and William Gardner, designated as coloured men, be granted to them respectively, in the manner directed by the act aforesaid, and the act, entitled "An act for the relief of settlers on lands purchased by the state of the Stockbridge Indians," passed February 1, 1826, for the sale of said lands to the white occupants thereof.

An Act to amend the act, entitled "An act relative to the different tribes and nations of Indians in this state," passed April 10, 1813.

1826.

*Be it enacted by the people of the state of New York, represented in Senate and Assembly,* That the provisions of the third section of the act, entitled "An act relative to the different tribes and nations of Indians in this state," passed April tenth, eighteen hundred and thirteen, so far as they may be applicable, be, and they are hereby extended to the Seneca and St. Regis tribes of Indians, and that any person or persons who shall sell to any Indian of said tribes, or to any Indian residing with or visiting said tribes, any rum, brandy, gin, or other ardent spirits, within the county of Cattaraugus or Franklin, shall be deemed guilty of a public offence, and be subject to the penalties provided in and by the said section, to be recovered and paid in the manner therein prescribed.

**An Act relating to the late treaty with the second Christian party of Oneida Indians, and for other purposes.**

1. *Be it enacted by the people of the state of New York, New York, 1826.* *represented in Senate and Assembly,* That the treaty concluded between the governor of this state and the second Christian party of the tribe of Oneida Indians, on the first day of February last, for the purchase of the tract of land as particularly described in the said treaty, be, and the same is hereby approved of and ratified.

2. *And be it further enacted,* That it shall be the duty of the surveyor-general, as soon as conveniently may be, to cause the said tract to be surveyed into suitable lots for sale, and that he sell the same, together with the improvements thereon, in the manner directed by law for the sale of the unappropriated lands of this state.

3. *And be it further enacted,* That it shall be the duty of the commissioners of the land office to issue letters patent to Nathan Davis for two hundred acres of land, in conformity with the provisions of the said treaty.

4. *And be it further enacted,* That the commissioners of the land office, on all sales of public lands hereafter to be made, shall require the payment of such part of the purchase money at the time of such sale or sales, as they may think the interest of the state may require, in reference to the value and situation of such lands and the timber thereon, which payment shall not be less than twenty-five per cent. nor more than seventy-five per cent. of such purchase money, the terms of sale and the amount required to be paid on each lot or tract, to be made known previous to the sale thereof.

5. *And be it further enacted,* That it shall be the duty of the surveyor general also to cause the lands belonging to the people of this state, in the Long Sault Island in the St. Lawrence river, to be surveyed and sold as aforesaid.

6. *And be it further enacted,* That it shall be the duty of the comptroller of this state, from time to time, to examine the bonds, mortgages, and contracts on which money may be due to the people of this state, and to make enquiries relative to the value of the property and sufficiency of the security for the sum or sums due as aforesaid, and in addition to the payment of the interest, shall require the payment of such part of the principal as he may deem necessary for the security and interest of the state.



1827.

## An Act for the relief of Mary Duxtader.

New York,  
1827.

*Be it enacted by the people of the state of New York, represented in Senate and Assembly,* That it shall and may be lawful for Mary Duxtader, with the approbation of the superintendents of the Stockbridge Indians, to sell and convey, in fee simple, any lands which have heretofore been granted to her by the people of this state; to take and receive such securities for the purchase money as shall be approved by the said superintendents; and that any deed of conveyance executed by the said Mary Duxtader, of such lands, upon which the approbation of the said superintendents shall be endorsed as aforesaid, shall be deemed valid and effectual to all intents and purposes.

An Act providing for the appraisal and settlement of damages claimed by the Seneca Indians, in consequence of diverting the waters of the Tonnawanda Creek into the feeder of the Erie Canal.

1827.

*Be it enacted by the people of the state of New York, represented in Senate and Assembly,* That the appraisers appointed pursuant to the act, entitled "An act concerning the Erie and Champlain canals," passed April 20, 1825, be, and they are hereby authorized, and whose duty it shall be to assess and appraise all the unsettled claims for damages which the Seneca nation of Indians has sustained or may sustain, in consequence of the waters of the Tonnawanda creek being diverted, upon the Tonnawanda reservation into the feeder to the Erie canal, or by any work connected therewith, in the same manner and upon the same principles as they are authorized to assess and appraise other claims for damages in and by the said act; and on such assessment and appraisal, to estimate the fair value of the lands taken for the said feeder and the works connected therewith, and also take into consideration the damages, if any, which may have been or may be sustained by the said Indians, or any of them, by the loss of their fishery in the said creek; and after making such assessment and appraisal, they shall make a certificate of the same, signed by them, and file the same in the office of the comptroller of this state; and no appeal shall be made from the decision of the said appraisers, but the same shall be final and conclusive in the premises; and when the said certificate shall have been filed as aforesaid, and it shall appear thereby that any damages have been awarded to the said Indians, the treasurer of this state

shall pay, on the warrant of the comptroller, to the order of New York, the person administering the government of this state, out of <sup>1827.</sup> any monies in the treasury, the whole amount of the said damages: *Provided*, The same does not exceed the sum of one hundred dollars, which sum shall be paid by the person administering the government of this state to the said Indians; and if the damages awarded as aforesaid, shall exceed the sum of one hundred dollars, then the said treasurer shall annually, on the warrant of the comptroller, pay to the order of the person administering the government of this state, out of any monies in the treasury, the amount of the interest at six per cent. which shall accrue from year to year upon the balance of the said award, for the use of the said Indians, and which shall be paid by the person administering the government of this state to the said Indians, at the time and in the manner now provided by law for the payment of annuities to the Indians in this state, and the said certificate shall be conclusive evidence that the people of this state owe to the said Seneca Indians the principal sum due after the payments as aforesaid.

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An Act relative to lot number ten, in New Stockbridge.

*Be it enacted by the people of the state of New York, represented in Senate and Assembly,* That it shall and may be <sup>1827.</sup> lawful for the commissioners of the land office to admit of the correction of any mistake which may have been made by the appraisers appointed in pursuance of the act, entitled "An act relative to the purchase of lands of the Stockbridge Indians, and for the relief of the settlers on the same," passed March 17th, 1825, in the appraisement of lot number ten, of the New Stockbridge lands, or of the improvements on the same.

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An Act for the relief of John W. Newcom, of the Stockbridge tribe of Indians.

*Be it enacted by the people of the state of New York, represented in Senate and Assembly,* That John W. Newcom, <sup>1827.</sup> an educated Indian of the Mohekunnuk or Stockbridge tribe, be, and he is hereby confirmed in the title of any lands which he may own in this state as of an absolute estate of inheritance in fee simple, to him, his heirs and assigns forever; and that he shall have power to sell and convey the said lands to any person or persons who may purchase the same, in the same manner and with the same effect that any white person might or could do.

An Act to authorize the Brothertown Indians to sell and dispose of their lands in this state.

New York,  
1827.

Whereas, the Brothertown Indians have, by their petition presented to the legislature, represented that they have purchased a tract of land at Green Bay, in the territory of Michigan, and prayed for the passage of an act authorizing them to sell and dispose of their lands at Brothertown, in the county of Oneida, for the purpose of enabling them to remove and settle at Green Bay: And whereas, it is believed that such removals would not only be advantageous to said Indians, but for the interest of the people of this state: Therefore,

1. *Be it enacted by the people of the state of New York, represented in Senate and Assembly,* That it shall and may be lawful for the superintendents of the Brothertown Indians, or a majority of them, upon application made to them for that purpose by any Indian or Indians owning land in Brothertown, to sell and convey the said lands belonging to the said Indian or Indians, to any person or persons who may apply to purchase the same: *Provided,* The price agreed upon between the said Indian or Indians, and the said person or persons so applying to purchase the said lands, shall, in the opinion of the said superintendents, be not less than a fair and reasonable price for the said lands; and the said superintendents shall receive at the time of making such conveyance, one fourth part of the purchase money, and shall, at the same time, take from the said purchaser or purchasers in trust for the said Indian or Indians whose lands may be so sold, a bond and mortgage to the said superintendents and their successors in office, to receive the payment of the residue of the said purchase money, to be paid in four equal annual instalments, with interest annually: *Provided always,* That no conveyance to be executed as aforesaid, shall be valid, unless the peace makers of the said Brothertown Indians, or a majority of them, together with the said Indian or Indians whose lands shall be so conveyed, shall acknowledge their consent thereto, to be certified on the back of the deed in the presence of the said peace makers and of the said Indian or Indians, by a commissioner authorized to take the acknowledgments of deeds, of special bail and affidavits to be read in courts of record, a master in chancery, or a judge of the court of common pleas of the county of Oneida, and which deeds to entitle them to be recorded, shall be acknowledged by the said superintendents in the manner that other deeds and conveyances are required by law to be acknowledged, and the

said certificate shall be recorded with the said deed, and every mortgage taken as aforesaid, shall be registered by the said superintendents without delay, in the clerk's office of the said county. New York, 1827.

2. *And be it further enacted,* That the deeds and conveyances to be made as aforesaid, shall convey to the purchaser or purchasers all the right, title, and interest of the said Indian or Indians, whose lands shall be conveyed as aforesaid, of, in, and to the same, and shall vest in such purchaser or purchasers, his and their heirs and assigns forever, an absolute estate of inheritance in fee simple.

3. *And be it further enacted,* That the said superintendents shall keep a separate account with each individual Indian, of the amount of money paid down on the said sale, and of the amount secured to him by the said bond and mortgage; and after deducting therefrom the reasonable expenses of such sale and conveyance as aforesaid, the said superintendent shall pay over to the said Indian or Indians, or to such agent or agents as the said superintendents, by and with the consent of the said Indian or Indians, may employ to aid and assist them in removing to Green Bay, all the monies in their hands belonging to the said Indian or Indians: *Provided nevertheless,* That in case any Indian who may have received the first payment for his land so to be sold as aforesaid, shall waste or spend the same without removing to Green Bay, it shall be lawful for the said superintendents, in their discretion, to withhold the balance of the principal of the said purchase money, secured to the said Indian by the bond and mortgage aforesaid, and to pay to such Indian only such part of the interest accruing on the same as the said superintendents may think necessary and proper, until the said Indian shall remove to Green Bay as aforesaid; and when all or any of the said Indians shall have removed and settled at Green Bay, it shall be the duty of the said superintendents to forward and pay over to the said Indians the principal and interest accruing on the said bonds and mortgages, as fast as the same shall become due and can be collected.

4. *And be it further enacted,* That if the said superintendents shall sell any lands held in common by the said Brothertown Indians, and which has not been set apart to any particular Indian or Indian family, they shall require that the whole of the purchase money shall be paid down at the time of such sale, to be applied by the said superintendents to defray the expenses of removing to Green Bay such of the poor of the

New York,  
1827.

said Indians as are destitute of the necessary means of removing themselves; and the residue of the said money, if any, shall be paid over to the said Indians, for the purpose of building a school house and mills, or such other improvements on their lands at Green Bay as may be necessary and beneficial to the said Indians; and to render any such conveyance of the said common lands valid, it shall not be necessary that all the said Indians should acknowledge their consent thereto, but the same may be done in the manner prescribed in the first section of this act, by the peace makers, together with three of the said Indians, to be chosen for that purpose at a town meeting of the said Indians.

5. *And be it further enacted*, That before the said superintendents shall proceed to execute the trust reposed in them by this act, they shall, with two good and sufficient sureties to be approved by the circuit judge of the fifth circuit, execute a bond to the people of this state, in the penal sum of ten thousand dollars, conditioned for the faithful performance of the trust reposed in them by this act, and which said bond shall be by them filed in the office of the comptroller of this state.

6. *And be it further enacted*, That the said superintendents are hereby authorized, from year to year, to pay to such of the said Brothertown Indians as shall remove to Green Bay, their proportion of the annuity payable to them out of the treasury of this state, in like manner as if they had still remained within the limits of this state.

7. *And be it further enacted*, That the said superintendents shall annually, on before the first Monday in February in each and every year, report to the comptroller of this state their proceedings under and by virtue of this act.

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## 1828.

Extract from an act, entitled "An act concerning the Revised Statutes," passed December 10, 1828.

1828.

"18. No child of an Indian woman shall be bound as an apprentice, under the provisions of the fourth title of the eighth chapter, second part of the Revised Statutes, except in the presence and with the consent of a justice of the peace; a certificate of which consent, signed by the justice, shall be filed with the clerk of the town in which the indenture of apprenticeship shall be executed."

1829.

An Act relating to the purchase of lands from the First Christian and Orchard parties of the Oneida Indians.

*The people of the state of New York, represented in Senate and Assembly, do enact as follows:*

1. It shall be lawful for the person administering the government of this state, to treat with the First Christian party of the Oneida Indians, and also with the Orchard party of the same tribe, and each of them, for the purchase of lands belonging to either of said parties, at such time or times as either of the said parties shall desire to sell their lands, or such portion thereof as the person administering the government of this state may deem proper to purchase; and in such purchase, to allow each of the said parties a fair price for their lands, first deducting such sum as the improvements shall be estimated at, as is provided by the third section of this act; also such sum as may be equal to the expenses which may be incurred by the state in the survey, appraisal, and disposition of their lands, and all the expenses which may arise in carrying this act into effect.

New York,  
1829.

2. It shall and may be lawful for the person administering the government of this state, if he shall deem it necessary, from time to time to appoint, by and with the consent of such party of said Indians as may be interested in such appointment, such agent or agents as he may think proper, to take charge of the money to be paid to the Indians for their lands, and to go with them to Green Bay; taking from such agent or agents sufficient bonds to the people of this state, to account to the comptroller for all monies that may come into his or their hands, and to discharge faithfully the duties of such agency; which agent or agents shall receive for his or their services such sum as the person administering the government of this state shall deem an adequate compensation, to be paid out of the purchase money to be given by this state for the lands purchased in pursuance of this act. But such agent shall not, in any case, receive any other or further reward for such services than the sum prescribed by the person administering the government of this state, and such agent or agents shall follow the instructions which may be given him by the person administering the government of this state.

3. It shall be the duty of the commissioners of the land office, after the sale of any lands, as mentioned in the first section of this act, forthwith to cause the said land to be appraised, exclusive of improvements made thereon; and also to cause

New York,  
1822.

all of the improvements made upon the said lands, or any part thereof, at the time of any such appraisement, to be valued and appraised separate from the said lands: And it shall be the further duty of the appraisers in making any such appraisement, to set down and designate particularly therein the name of each person owning and of right interested in any of the said improvements, the number of acres of the said improvements owned by each, the value per acre, and the total value of the improvements of such persons, and the amount due to each for improvements; and the expenses of the said survey and appraisal shall be audited by the said commissioners, and paid out of the purchase monies to be given for the said lands. But no person not belonging to either of the said parties shall be considered as the owner of any such improvement.

4. Whenever it shall satisfactorily appear to the person administering the government of this state, that a sufficient number of the individuals of either of the said parties shall be prepared to migrate to Green Bay, to render it in his opinion proper that they should thus migrate, the treasurer shall, upon the warrant of the comptroller, pay to the order of the person administering the government of this state, such sum or sums of money as shall from time to time be expressed in and by such order or orders, not exceeding in amount the balance at such time or times due to such party for whose benefit such order shall be made as aforesaid.

5. Immediately after the appraisal of the improvements on the said lands, and after the possession of the said lands shall be delivered to this state, the treasurer shall, on the warrant of the comptroller, pay to each of the persons owning the said improvements the appraised value of said improvements.

6. The commissioners of the land office shall make and execute to such person or persons such title to any lands now occupied by either of the said parties as shall be stipulated in and by any treaty hereafter to be made with either of the said parties.

7. The person administering the government of this state, shall, by and with the consent of the different parties of Oneida Indians, appoint three suitable persons to make division of the annuity due from the people of this state to the said Indians, between the three several parties of the said tribe: the persons so appointed, shall meet on the first day of June next, at such place as they may deem proper, and after hearing the proofs and allegations of each of the said parties, shall make such division of the said annuity among the said several parties as they or any two of them may deem just and right; which said divi-

sion so to be made as aforesaid, shall forever thereafter be pursued in all payments of annuities by this state to the Oneida Indians. New York,  
1829.

8. On or before the fifteenth day of May in each year, the First Christian party of the Oneida Indians, and the Orchard party of the same tribe, shall inform the person administering the government of this state of the number of individuals belonging to their respective parties entitled to receive the said annuities, resident at Oneida Castleton, or in the counties of Madison and Oneida, and also of the number entitled to their portions of the same, resident at Green Bay, until all of the members of the said parties shall have removed to Green Bay, and thereupon the governor of this state shall annually cause to be paid to such of the said parties as shall at such time reside at Green Bay, their due share of the said annuities; which said monies shall be paid to their principal men, on their order, at the city of Albany

9. Whenever lands shall be conveyed by the First Christian party, or the Orchard party of the Oneida Indians, to this state, according to the first section of this act, the treasurer shall forthwith, upon the warrant of the comptroller, pay to the order of the person administering the government of this state, such reasonable sum as he may think proper, to defray the expenses of making such treaty, and to furnish the destitute of the party making such treaty with such necessaries as they may require, the sooner to enable them to remove to Green Bay, which sum shall be deducted from the amount to be paid said Indians for such land.

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An Act directing the mode of appointment of an attorney for the Stockbridge and Brothertown tribes of Indians.

*The people of the state of New York, represented in Senate and Assembly, do enact as follows:*

1. The person administering the government of this shall nominate, and with the consent of the senate appoint, an attorney for the Stockbridge and Brothertown tribes of Indians.

2. That the person so appointed as an attorney, shall hold his office for the period of two years, and until another person shall be appointed.



## 1830.

An Act to amend an act, entitled "An act for the relief of the Stockbridge Indians," passed February eighteenth, eighteen hundred and twenty-three.

New York,  
1830.

*The people of the state of New York, represented in Senate and Assembly, do enact as follows:*

1. The superintendents of the Stockbridge Indians shall hereafter account with the comptroller for all monies which shall come into their hands, under the provisions of the act hereby amended, on or before the first day of December in each year; and so much of the act hereby amended as is inconsistent with this act, is hereby repealed.

## 1831.

An Act for the relief of the Shinecock tribe of Indians.

1831.

*The people of the state of New York, represented in Senate and Assembly, do enact as follows:*

1. The superintendent of common schools shall, in every year hereafter, apportion from the school monies the sum of eighty dollars, in addition to the amount to which the county of Suffolk is now entitled by law; which sum shall be paid on the first day of February in every year, on the warrant of the comptroller, to the treasurer of said county.

2. The treasurer of said county shall apply for and receive the said sum as soon as the same becomes payable, and shall hold the same, subject to the order of the commissioners of common schools of the town of Southampton, whose duty it shall be to receive and expend the same in the payment of the wages of a competent school teacher or teachers, to be by them employed in instructing the children between the ages of five and sixteen years, belonging to the Shinecock tribe of Indians residing in said town.

3. The said commissioners shall hereafter include in their annual report a statement of the length of time that a school has been taught in pursuance of this act; the number of children taught in said school; the manner in which such monies have been expended, and whether any, and how much remains unexpended, and for what cause, and shall pay such balance, if any, to their successors in office, to be by them expended as hereinbefore provided.

4. This act shall be in force for three years, and no longer.

Extract from an act, entitled "An act relative to the finances of this state, and the duties of the comptroller and the commissioners of the canal fund," passed April 26, 1831.

"23. All laws authorizing the payment of any monies for incidental expenses attending Indian affairs, are hereby repealed, and all annuities payable to Indians, shall hereafter be paid by such agents residing in the vicinity of the Indians entitled thereto, as shall be authorized for that purpose by the comptroller; and such agents shall receive such compensation for their services, not exceeding one per cent. on the amount disbursed by them, as the comptroller shall allow; a sum not exceeding five hundred dollars in any one year may be drawn from the treasury by the person administering the government of this state, for incidental expenses in relation to Indian affairs, which sum shall be accounted for to the comptroller, with the vouchers for which it may be paid."

### NEW JERSEY.—1703.

An Act for regulating the purchasing of land from the Indians.

Whereas, several ill disposed persons within this province, have formerly presumed to enter into treaties with the Indians or natives thereof, and have purchased lands from them, such person or persons deriving no title to any part of the soil thereof under the Crown of England, or any person or persons claiming by, from, or under the same, endeavoring thereby to subvert her Majesty's dominions in this country:

Sec. 1. *Be it therefore enacted by the Governor, Council, and General Assembly now met and assembled, and by authority of the same,* That no person or persons whatsoever, forever hereafter, shall presume to buy, take a gift of, purchase in fee, take a mortgage, or lease for life or number of years, from any of the Indians or natives, for any tract or tracts of lands within this province, after the first day of December, 1703, without first obtaining a certificate under the hand of the proprietor's recorder for the time being, certifying such person hath a right, and stands entitled to a propriety, or share in a propriety, such person or persons shall produce such certificate to the governor for the time being, in order to obtain a license to purchase such quantities of land or number of acres from the Indians or natives aforesaid, as such certificate mentions.

Sec. 2. *Be it further enacted by the authority aforesaid,* That if any person or persons shall presume to buy, purchase, take gift, or mortgage, or lease of any land, contrary to this

New Jersey,  
1703.

present act, he or they so offending shall forfeit *forty shillings*, money of this province, for each acre of land so obtained, to be recovered by any person or persons who shall prosecute the same to effect, by action of debt, in any court of record within this province, one half to the use of her Majesty, her heirs and successors, towards the support of the government, and the other to the prosecutor: *Provided always*, That such purchasers, their heirs and assigns shall forever hereafter be incapable to hold plea for the said land in any court of common law or equity.

Sec. 3. *And be it further enacted by the authority aforesaid*, That all and every person and persons whatsoever, that have bought, taken gift of, or have purchased land in fee, or taken mortgages, or leases for life or number of years, of the Indians or natives, who is and are not entitled to such tract or tracts of land by virtue of a right or title to the same derived from the Crown of England, or from any person or persons claiming by, from, or under the same, such gifts, purchases, mortgages, lease or leases, is and are hereby declared, and forever hereafter shall be taken, deemed, and esteemed, illegal, null and void; and such person or persons, their heirs and assigns, shall not be capable to hold plea for the same in any court of common law or equity, at any time hereafter, unless such person or persons claiming under such Indian gift, purchase, mortgage, or lease, shall, within the space of six months after the publication of this act, take out a grant or grants from the present proprietors, for the several tracts of lands so claimed by them respectively, on such conditions as shall be agreed upon with the proprietors.

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1757.

An Act for regulating Indian affairs, and to prevent the setting of deer traps within the colony of New Jersey.

1757.

[This act, so far as it relates to *Indian* affairs, appears to have been made in pursuance of sundry articles mutually agreed on at a treaty held by commissioners empowered by this government, and the Indian inhabitants within the same, at Crosswicks, in the month called January, 1756. And enacted, 1st. That no person should give or sell to any Indian or Indians any strong liquors, whereby they might become intoxicated, or more than one quart of beer or cider, or half a gill of rum, or any other spirit in one day, to any one Indian, without an apparent necessity, under the penalty of twenty shillings; that on any bargain with an Indian, no part of the

consideration should be paid in liquors, except as above, the New Jersey, 1757. sale otherwise to be void, and the property not altered; and that every pledge taken of an Indian for liquors, should be delivered up. 2. That every debt contracted by an Indian for strong drink should be held void; that it should not be lawful to imprison an Indian for debt, but the process against him should be by attachment to seize his goods, cloaths and hunting utensils excepted; and, on default of his appearance before the court or justice who issues the same, or judgment passing against him, so much of the goods should be ordered for sale as would satisfy such debt. 3. And, to prevent imposition and fraud, that no sale, conveyance, or lease of lands from any Indian or Indians should be held good, except previous thereto a certificate was signed by six Indian men, signifying that the Indian or Indians contracting were owners of the land; which certificate should be countersigned by a magistrate, who should also certify that the Indians were men grown, and sober, and that their certificate was signed in his presence. And, before the execution of the deed, the same was to be read and explained to the Indians by the governor, or one of his council, or one of the justices of the supreme court, who should endorse that the Indians understood the said deed, and had a reasonable price paid; and that they also saw the certificate of the six Indians under the hand of the justice; provided such title should not prejudice any one holding by title under the Crown. 4. Commissioners were appointed to inquire into the claims of the Indians to lands in this colony, and to make report to the legislature. The act was limited to two years, and ordered to be read in every court of quarter sessions during that time. It is in Nevill's second volume, folio 125.]

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### 1758.

An Act to empower certain persons to purchase the claims of the Indians to land in this colony.

Whereas, it is the inclination of the legislature of this colony to settle and establish a good agreement and understanding with Indians who do and have inhabited the same: And as the satisfying their just and reasonable demands will be a necessary step thereto; and as a strict and minute inquiry into their several claims will be attended with very great difficulty, expense and delay:

Sec. 1. *Be it enacted by the Governor, Council, and General Assembly, and it is hereby enacted by the authority of the same,* That it shall and may be lawful to and for the trea-

New Jersey,  
1758.

urers of this colony, or either of them, to pay unto the honorable Andrew Johnston, Richard Salter, esquires, Charles Read, John Stevens, William Foster and Jacob Spicer, esquires, who are hereby appointed commissioners on the part of New Jersey for this purpose, or any three of them, out of any money in their hands, which now is or hereafter shall be made current for the service of the present war, such sum and sums of money as they may find necessary to purchase the right and claim of all or any of the Indian natives of this colony, to and for the use of the freeholders in this colony, their heirs and assigns forever, so that the sum expended in the whole exceed not sixteen hundred pounds, proclamation money; and that the sum expended in the purchase of the claims of the Delaware Indians, now inhabiting near Cranberry, and to the southward of Raritan river, shall not exceed one half of the said sum: And the receipts of the said commissioners, or any three of them, when produced, shall discharge them the said treasurers, or either of them, their executors and administrators, for so much as they, or either of them, shall pay out of the treasury, by virtue of this act.

2. And whereas, the Indians south of Raritan river, have represented their inclination to have part of the sum allowed them laid out in land whereon they may settle and raise their necessary subsistence: In order that they may be gratified in that particular, and that they may have always in their view a lasting monument of the justice and tenderness of this colony towards them:

*Be it enacted by the authority aforesaid,* That the commissioners aforesaid, or any three of them, with the approbation and consent of his excellency the governor, or the governor or commander in chief for the time being, shall purchase some convenient tract or tracts of land for their settlement, and shall take a deed or deeds in the name of his said excellency or commander in chief of this colony for the time being, and of the commissioners and their heirs, in trust, for the use of the said Indian natives who have or do reside in this colony, south of Raritan, and their successors forever: *Provided nevertheless,* That it shall not be in the power of the said Indians, or their successors, or any of them, to lease or sell to any person or persons any part thereof. And if any person or persons, Indians excepted, shall attempt to settle on the said tract or tracts, it shall and may be lawful for any justice of the peace to issue his warrant to remove any such person or persons from such land. And if any person or persons, Indians excepted, shall fall, cut up, or cart off, any cedar, pine

or oak trees, such person or persons shall forfeit and pay, for *New Jersey*, each tree so fell, cut up or carted off, the sum of forty shillings, to be recovered before any justice of the peace in this colony, or other court where the same is cognizable, one half to and for the use of his Majesty, his heirs and successors, to and for the support of government of this colony, and the other half to such person as shall prosecute the same to effect. 1758.

3. and 4. These sections authorized three lotteries to defray the expense of this purchase; the first to be drawn in *October* 1759, the second in 1760, and the third in 1761.

SEC. 5. *Provided*, That no conveyance to be made as above by the *Indians* shall prejudice any right they now have to hunt on any unenclosed lands, or fish in the rivers and bays of this colony.

SEC. 6. *And be it enacted by the authority aforesaid*, That so much of the money as shall be paid into the treasury, by virtue of the lotteries aforesaid, shall be sunk in lieu of the same sum to be deducted from the funds to be sunk in the year one thousand seven hundred and sixty-two.

SEC. 7. *And be it further enacted by the authority aforesaid*, That the lands to be purchased for the *Indians* as aforesaid shall not hereafter be subject to any tax; any law, usage or custom, to the contrary thereof in anywise notwithstanding.

[In pursuance of this act, the commissioners appointed, did obtain releases and grants from the *Indians*, fully extinguishing their claims to all lands in this colony. See the record of two releases in Lib. O of deeds, folios 401 and 464, in the Secretary's office in Burlington. They also purchased a large tract of land, containing three thousand and forty-four acres, in the township of Evesham, and county of Burlington called Edge Pillock, on which the Indian town, called Brothertown, containing a house of worship, and several small habitations are erected. The title deed is made to Governor Bernard and the rest of the commissioners; it bears date the twenty-ninth day of August, 1758, and is recorded at Burlington in the same book, folio 394. The act may be seen in Nevill's second vol. fol. 212.]

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Revised Laws of New Jersey—published in 1821.

SEC. 69. *And be it enacted by the authority aforesaid*, That the court or justices, before whom any negro, Indian, or mulatto slave, shall be convicted of any offence not punishable with death, shall have authority to impose, instead of the punishment by this act prescribed such corporal punishment, not extending to life or limb, as such court or justices, in their discretion, shall direct.

## An act respecting Slaves.

New Jersey,

*And be it enacted,* That whenever any Habeas Corpus shall be brought to remove any negro, mulatto, Mestee, or Indian before the Supreme Court out of the possession or custody of any person or persons claiming the services of such negro, mulatto, Mestee or Indian, for life, years, or other term, the person or persons to whom the said Habeas Corpus is directed, may, in the return to the same writ, aver and set forth, that he, she, or they, has or have lawful right to the personal services of said negro, mulatto, Mestee or Indian, for life, years or other term, as the case may be: Whereupon, the prosecutor shall, instanter, join issue by denying the right of the defendant or defendants to the personal service of such negro, mulatto, Mestee or Indian, either for life, years or other term; and immediately upon the joinder of the said issue, the court shall award a venire facias to the Sheriff or Coroner, as the case may be, or require of the county in which such party defendants resides, commanding him or them to summon a jury to appear at the next Circuit Court to be held in such county, for the trial of the issue so joined as aforesaid.

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**PENNSYLVANIA.—1700.**

An Act against buying land of the Indians.

Pennsylvania,  
1700.

*Be it enacted by the Proprietary and Governor, by and with the advice and consent of the Freemen of the Province and Territories, in General Assembly met, and by the authority of the same,* That if any person presume to buy any land of the natives, within the limits of this Province and Territories, without leave from the Proprietary thereof, every such bargain of purchase shall be void, and of no effect.

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**1721.**

An act to prohibit the selling of rum, and other strong liquors, to the Indians, and to prevent the abuses that may happen thereby.

1721.

WHEREAS the peaceable, wise, and prudent measures which the late Honorable William Penn, Esq. our most worthy Proprietor, took with the native Indians, at his first coming into and settling of this Province, has been, under God the happy foundation and ground-work of the tranquillity and perfect good understanding hitherto preserved between the English inhabitants of this colony and their native Indians:

AND WHEREAS the misunderstandings and fatal breaches <sup>Pennsylvania,</sup> which have lately happened in some of the neighbouring colonies, between the English and the adjacent Indian nations, are well known to have proceeded from the irregularities and abuses committed by those who travel into the woods, in order to trade promiscuously with the Indians as they return from hunting, whereby they have opportunity, first, to debauch the natives with great quantities of rum and strong spirits, and then cheat them of their peltry: For the prevention of which evil and wicked practices for the future—

*Be it enacted by Sir William Keith, Bart. Governor of the Province of Pennsylvania, &c. by and with the advice and consent of the Freemen of the said Province, in General Assembly met and by the authority of the same,* That no person whatsoever, otherwise than is hereinafter declared, shall sell, barter, or give to any Indian or Indians, or to any other person for their use, nor by any means, directly, or indirectly furnish, or cause to be furnished, any Indian or Indians, with any rum, wine, or other strong liquors, mixed or unmixed, under the penalty of *twenty pounds* for each offence; one half to the Governor, for support of the Government, and the other half to the informer, or such person or persons as will sue for the same; to be recovered in any court of record within this Province, by action of debt, bill, plaint, or information, wherein no assoin, protection, or wager of law, shall be allowed to the defendant.

*And be it further enacted by the authority aforesaid,* That, in case any rum, or other spirits, above the quantity of one gallon, be carried amongst the Indians, at their towns, or beyond the Christian inhabitants, the person carrying the same, or he in whose possession the same shall be found, shall forfeit and pay the sum of *twenty pounds*, to the uses aforesaid, to be recovered in manner aforesaid: *Provided always,* That the Governor and Council, or persons by them authorized and appointed to hold treaties with any nation of Indians, may, at such treaties, give any reasonable quantity of rum, as by them shall be thought necessary, any thing herein contained to be contrary notwithstanding.

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1744.

An Act for the speedy trial of capital offences, committed by any Indian or Indians, in the remote parts of the Province.

To the end that all capital offences, which have been, or hereafter shall be, committed by any Indian or Indians,



**Pennsylvania,** within the bounds of this Province, in places remote from In-  
1774. habitants, may receive the most speedy and impartial trials,

Be it enacted by the honorable George Thomas, Esq. with the King's royal approbation Lieutenant Governor, under the Honorable John Penn, Thomas Fenn, and Richard Penn, Esquires, true and absolute Proprietaries of the Province of Pennsylvania, and of the counties of New Castle, Kent, and Sussex, on Delaware, by and with the advice and consent of the Representatives of the freemen of the said Province, in General Assembly met, and by the authority of the same, That all murders, manslaughters, homicides, felonies, and offences, whatsoever, and accessaries of the same, which, by the laws or acts of Assembly of this province are declared capital, or felonies punishable by death, which already have been committed, perpetrated, or done, or shall hereafter be committed, perpetrated, or done, by any Indian or Indians, within this province, in places remote from inhabitants, as aforesaid, all and every such offence and offences, in whatsoever place and county the same hath happened, or shall happen, shall henceforth be inquired of, heard, adjudged, and determined, before the Justices of the Supreme Court, or the Justices of the Courts of Oyer and Terminer and General Gaol Delivery to be held in the county of Philadelphia, by indictments, inquests, and verdicts, to be taken of good and lawful men, inhabitants of the same county, in like manner and form as if such capital offence or offences had been committed, perpetrated, or done, within the said county. any law or usage to the contrary thereof in any wise notwithstanding.

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### MARYLAND.—1704.

An act for ascertaining the bounds of a certain tract of land to the use of the Nanticoke Indians, so long as they shall occupy and live upon the same.

**Maryland,**  
1704.

It being most just that the Indians, the ancient inhabitants of this province, should have a convenient dwelling place in this their native country, free from the encroachments and oppressions of the English, more especially the Nanticoke Indians, in Dorchester county, who, for these many years, have lived in peace and concord with the English; and, in all matters, in obedience to the government of this Province; we, the burgesses and delegates of this present General Assembly, therefore, do pray that it may be enacted,

*SEC. 2. And be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of Her Majes-*

*ty's Governor, Council, and Assembly, of this Province, and Maryland, 1704.* That all the land, lying and being in Dorchester county, and on the North side of Nanticoke river, butted and bounded as followeth: Beginning at the mouth of Chickawan creek, and running up the said creek; bounded, therewith, to the head of the main branch of the same; and from the head of the said main branch, with a line drawn to the head of a branch issuing out of the Northwest fork of Nanticoke, known by the name of Francis Anderson's branch; and from the head of said branch, down the said Anderson's branch; bounded, therewith, to the mouth of the same, where it falls into the said Northwest fork; and from thence, down the aforesaid Northwest fork; bounded, therewith, to the main river; and so down the main river, to the mouth of the aforesaid Chickawan creek; shall be confirmed and assured, and, by virtue of this act, is confirmed and assured unto Panquash and Annotoughquan, and the people under their government or charge, and their heirs and successors forever, any law, usage, custom, or grant, to the contrary, in anywise, notwithstanding, to be held of the lord proprietary, and his heirs, lord proprietary, or lords proprietaries, of this province, under the yearly rent of one beaver skin, to be paid to his said lordship, and his heirs, as other rents in this province by the English used to be paid.

**SEC. 3.** *Provided always,* That it shall or may be lawful for any person or persons, that hath formerly taken up and obtained any grants from the Lord Baltimore, for any tracts or parcels of land within the aforesaid boundaries, upon the Indians deserting or leaving the said land, to enter, occupy, and enjoy the same; any thing in this law to the contrary notwithstanding.

**SEC. 4.** *And be it further enacted by the authority aforesaid,* That it may not, nor shall be lawful for the Lord Baltimore to ask, have, or demand, any rent or service for any of the said tracts or dividends as may or have been taken up as aforesaid, within the said Indian boundaries, until such time that the takers up, or owners aforesaid, do enjoy or possess the same, any law, usage, or custom, to the contrary notwithstanding.

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### 1711.

An act to empower Commissioners to appoint, and cause to be laid out, three thousand acres of land on Broad Creek, in Somerset county, for the use of the Nanticoke Indians, so long as they shall occupy the same.

Whereas it is represented to this present General Assembly, 1711. that the land formerly laid out for the use of the Nanticoke In-

Maryland,  
1741.

dians is now much worn out, and not sufficient for them, and that it is thought advisable that some further provision be made for them:

SEC. 2. *Be it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of her Majesty's President, Council, and Assembly of this Province, and the authority of the same,* That Lieutenant Colonel George Gale, Mr. Samuel Worthington, Captain Charles Ballard, and Mr. Benjamin Wales, be, and are hereby, appointed Commissioners to cause three thousand acres of land to be laid out where the said Indians are now settled, in Somerset county, on Broad creek, in Nanticoke river, and the same to appoint to the use of the said Indians, for so long as they shall occupy the same; and further, to cause such land to be valued in such manner as is hereinafter expressed, that is to say: the said Commissioners, or any three of them, shall, some time before the twenty-fifth day of March next meet together, and make out their warrant to the sheriff of Somerset county, which said sheriff is hereby required, upon receipt of such warrant, to impannel and return a jury of the most substantial freeholders of the said county, to be and appear before the said Commissioners, upon the said land, at the time in such warrant appointed; which jury, upon their oaths, to be to them administered by the Commissioners, or any three of them, shall inquire, assess, and return, what damages and recompense they shall think fit to be awarded to the owners of such land, and all persons interested therein, according to their several and respective interests; and what sum of tobacco the said jury shall adjudge the said land to be worth, shall be paid to the owners, and all persons interested therein, by the public of this province.

SEC. 3. And, to the end that the bounds of the said land may be ascertained, and the Commissioners aforesaid and jury the better enabled to judge of the true value thereof, the said Commissioners are hereby empowered to employ the surveyor of the county aforesaid, or some other skilful person, in their presence to survey, lay out, and bound the same, which said lines so as aforesaid laid out, shall be marked on trees, or other land marks, to perpetuate the bounds thereof; the said Commissioners to return fair certificates of their proceedings to the clerks of the provincial court, and Somerset county court, for the time being, to be by them recorded in the said respective courts.

SEC. 4. *And be it enacted by the authority aforesaid,* That, when such land is laid out and paid for by the public as aforesaid, the property thereof shall by virtue of this act, be vested in the Honorable Colonel Thomas Ennalls, and Lieutenant

Colonel George Gale, and their heirs, to and for the use of the <sup>Maryland,</sup> said Indians, so long as they shall occupy the same, and afterwards shall be disposed of as the General Assembly of this province shall direct. <sup>1711</sup>

SEC. 5. And that such lying out and payment as aforesaid, and this act, shall forever bar the heir or heirs at law, or his or their assigns, or any other person whatsoever, of the reversion or remainder, right, claim, or demands, whatsoever, of, in, or to, the said land, or any part or parcel thereof, any law, usage, or custom, to the contrary notwithstanding.

### 1723.

An act for quieting the possessions of the Indians inhabiting on Nanticoke and Choptank rivers.

Whereas the Indians inhabiting on Nanticoke and Choptank <sup>1723:</sup> rivers, have complained to this General Assembly of several encroachments made into the ancient bounds and limits of their lands heretofore granted them by the lord proprietors, and confined by several acts of Assembly of this province: for remedy whereof, and to prevent complaints of like nature for the future,

SEC. 2. *Be it enacted by the right honorable the lord proprietor, by and with the advice and consent of his lordship's Governor, and the upper and lower houses of Assembly, and the authority of the same,* That the Nanticoke Indians, and their descendants, shall have, hold, occupy, possess, and enjoy, a full, peaceable, and uninterrupted possession of all that tract of land lying between the Northwest fork of Nanticoke river and Chicucone creek, for and during such space of time as they or any of them shall think fit to use, and shall not wholly and totally desert and quit claim to the same, according as the same is butted and bounded by an act of Assembly of this province, made in the year of our Lord sixteen hundred and ninety-eight, entitled "An act for ascertaining the bounds of a certain tract of land, to the use of the Nanticoke Indians, as long as they shall occupy and live upon the same;" and that the said Indians shall not, at any time hereafter, sell, dispose of, or lease for term of years, any part or parcel of the aforesaid lands, to any person or persons whatsoever; and that the Choptank Indians, and their descendants, so long as they shall occupy or claim, and shall not totally desert the same, shall hold and possess, quietly and peaceably, all that tract of land lying in Dorchester county, on Choptank river, according to the metes and bounds thereof, surveyed and returned by the Honorable Philemon Lloyd, Esq. Colonel Richard Tilghman, and

Maryland,  
1788.

Colonel Matthew Tilghman, ward commissioners, appointed by his honor the Governor to ascertain and lay out the same, pursuant to an act of Assembly of this province, made in the year of our Lord seventeen hundred and twenty-one, that survey being found pursuant and agreeable to the intent and design of one act of Assembly, made at the city of St. Mary's, in the year of our Lord sixteen hundred and sixty-nine, by which that land was granted to the said Indians.

SEC. 3. *And be it further enacted*, That the Choptank Indians aforesaid at any time hereafter, shall not, on any pretence whatsoever, alienate, dispose, sell, or let to farm, any part or parcel of the lands before mentioned, except that part thereof which lies to the Eastward, Southward, and Westward of those lines, formerly run from the head of Secretary Sewall's creek, to the bounded tree of William Dorrington, by Colonel Thomas Smithson and Lieutenant Colonel Thomas Ennalls, as the exterior bounds of the aforesaid land, pursuant to an ordinance of Assembly then made; and that, if any person shall presume to purchase or lease any part thereof, (except as before excepted) such purchase or lease shall be utterly void, and of none effect.

SEC. 4. *And it is hereby further enacted*, That no lease for term of years, or for life, already made, shall be of any force or effect, longer than seven years after the end of this session of Assembly; and that those persons who hold, by virtue of any such lease, from the said Indians, be, and are hereby, obliged punctually and faithfully to pay and satisfy to such Indian or Indians, under whom they hold, the several and respective rents contracted for; and, if any person shall refuse or delay to pay such rent yearly, as it becomes due, such lease shall become void, and it shall and may be lawful for any justice of the peace, within the county where such rent shall arise and become due, and remaining unpaid, upon complaint to him made by such Indians, to issue warrant, give judgment, and award execution for the same, in the same manner as in the act for recovery of small debts is provided.

SEC. 5. *And be it further enacted*, That all sales, gifts, grants, or leases, made by any of the Indians aforesaid, since November, seventeen hundred and twenty-one, of any of the lands lying on the South side of Secretary Sewall's creek aforesaid, and the Southern branch thereof, and within the lines run by Colonel Thomas Smithson and Lieutenant Colonel Thomas Ennalls, as aforesaid, being contrary to an ordinance of Assembly then made, be, and are hereby, declared to be null, void, and of no effect.

**SEC. 6. *Provided nevertheless,*** That such surveys and purchases which have already *bona fide* been made since November, seventeen hundred and twenty-one, or which hereafter shall be *bona fide* made of any of the Choptank Indian lands, comprehended within the metes and bounds surveyed and ascertained by the Honorable Philemon Lloyd, Esquire, Colonel Richard Tilghman, and Colonel Matthew Tilghman, ward commissioners as aforesaid, and lying to the Eastward, Southward, or Westward of the lines run by Colonel Thomas Smithson and Lieutenant Colonel Thomas Ennalls, aforesaid, be, and are hereby confirmed and made valid unto the purchasers or takers up of the same, and their heirs and assigns, forever, any thing in this act to the contrary notwithstanding.

Maryland  
1783.

**SEC. 7. *Provided likewise,*** That such purchases by any person or persons, of any lands belonging to the Choptank Indians aforesaid, be made when the Indians are sober, and of sound and perfect memory, and the consideration agreed for, paid, or secured to be paid to them, by such purchasers, before the executing of the deeds of sale; and that all deeds of sale hereafter made by the Indians aforesaid, shall be acknowledged by them before the justices of the county, in court sitting, or before one or more of his lordship's Council, who are hereby empowered to take the same, otherwise to be void, and of no effect.

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### 1798.

Extract from an act of the State of Maryland, entitled an Act appointing commissioners to contract for and purchase the lands, commonly called the Choptank Indian Lands, in Dorchester county, and for appropriating the same to the use of this state, and to repeal the act of assembly therein mentioned.

**“SEC. 2. *And be it enacted,*** That the said commissioners, or the major part of them, shall be and are hereby authorized and empowered, with all convenient speed after the passage of this act, to repair to the Indian settlement near Secretary's creek, in Dorchester county, and to contract, covenant and agree, in behalf of this state, with the Choptank Indians inhabiting the said settlement, for the purchase of the right, title and interest, of the said Indians, to all and singular the lands and tenements aforesaid, and to enter into such covenant and agreement on the part of this state, for enabling the said commissioners to obtain the right and title of the said Indians to the said lands, tenements and appurtenances, as in their discretion and judgment shall be deemed advisable; provided nevertheless, that in making such contract and agreements it

Maryland  
1798.

shall be covenanted and agreed by the said Indians, that the right, title and interest of and in the said lands, tenements and appurtenances, shall be granted by the said Indians, and for ever thereafter vested and confirmed in this state, and that, in consideration thereof, it shall be covenanted and agreed by the said commissioners, on the part of this state, that there shall be reserved to the said Indians, for their own cultivation and improvement, a quantity of the said land, not exceeding one hundred acres, to be so laid off by the said commissioners as to include their present settlements, and a suitable proportion of the woodland, and that the quantity of land so reserved, shall be held, used and occupied by the said Indians, so long as they, or any of them, or their descendants, shall continue to inhabit the said settlement; the said commissioners, or a majority of them, may agree to pay each individual of the said Indians who now claims title to, and receive rents from, said land, such annuity as may be agreed upon between said commissioners and said Indians, provided that the aggregate amount of such annuities shall not exceed the sum of six hundred dollars, and such annuities shall be payable for their use quarterly, out of the treasury of the western shore, to the orders of such persons, or friends, as the said Indians may respectively from time to time appoint to draw the same, and that the said annuity shall commence on the first day of January next ensuing the date of such agreement; and the annuity allowed to any Indian as aforesaid, shall upon the death of said Indian, descend and be paid to such person or persons as under the laws of this state would be entitled to have the personal estate of said Indian, in case said Indian died intestate, leaving personal estate, and be transmitted in same manner; provided, that no annuity shall be transmitted to any but the immediate descendants of the Indian to whom granted, and that upon the death of any of the said Indians, or their descendants, without any representative as aforesaid, the annuity in such case granted shall cease.

*“SEC. 3. And be it enacted, That on the completion of such contract and agreement, the terms thereof shall be fully and distinctly written on parchment or paper, and the same shall be subscribed and executed in the presence of two justices of the peace of the said county, by the said Indians, or by some of them, on the part and with the consent of the Indians claiming title to said lands, and receiving rents therefor, and by the said commissioners, or the major part of them, on behalf of this state, and the attestation thereof shall be made and certified by the said justices, and the said agreement shall, in some con-*

venient time thereafter, be deposited in the office of the clerk of the said county, and be recorded by him among the land records of the county, and after the enrolment thereof the same shall be transmitted by the said commissioners to the governor and the council, to be filed and retained by them for safe custody. Maryland  
1798.

“*SEC. 4. And be it enacted,* That after the completion and execution of the said contract and agreement, the said commissioners shall determine on a certain day when they shall meet together at the said Indian settlement, and shall cause a summons to be served on the surveyor of the said county, or on such other qualified person as they shall nominate for this purpose, directing him to be and appear at such time and place in order to survey the said lands, and shall give public notice of their intentions to survey the same, by advertisement to be set up at the court house of the said county, and at other public places in the neighbourhood; and the said commissioners, or a majority of them, and surveyor, or other qualified person summoned as aforesaid, shall accordingly meet at such time and place, and shall thereupon proceed, from time to time, to make an accurate survey of said lands, and of the several creeks, branches, tenements, roads, and other particulars, in the discretion of the said commissioners, or a majority of them, which may be necessary to furnish a just idea of their situation and value; and after such survey thereof, the said surveyor, shall make an exact and correct plot thereof, describing thereon the said several tenements, creeks, branches and roads, and such other particulars as shall be directed by the said commissioners, and shall thereto annex a full and plain certificate of such survey, and of the actual boundaries, courses, distances, quantity of acres, and such other particulars as shall be directed as aforesaid, and shall subscribe and seal the same.

“*SEC. 5. And be it enacted,* That the said surveyor, under the direction of the said commissioners, shall lay off the quantity of land reserved for the said Indians as is herein before mentioned, including their present settlement, and a suitable proportion of the woodland, and shall distinctly mark and bound the same; and thereupon the said surveyor, under the direction of the said commissioners, shall proceed to lay off the remaining lands in lots, each lot to contain not less than one hundred, nor more than five hundred acres, unless a departure from this direction should become necessary by the interference of creeks, branches, roads or angles; and in laying off the said lots due regard shall be had to situation, soil, timber and other circumstances, so as to make them as equal in value as the nature of the subject will admit, and each res



Maryland  
1796.

pective lot shall be numbered, marked and bounded, in such manner as shall be directed by the said commissioners; and the land reserved as aforesaid, and the said respective lots, shall be located, distinguished and numbered, upon the said plot, and distinct certificates of their respective bounds and quantities shall be likewise annexed and subscribed by the said surveyor; and if the said commissioners, or a majority of them, shall deem it necessary, they shall direct the surveyor to lay off, mark and bound, a road not exceeding thirty feet wide through the said land, in such direction as they shall order and direct, and the same to note upon the plot, and when so laid off shall be deemed and taken as a public road.

“SEC. 10. *And be it enacted*, That it shall not be lawful for the said Indians to sell, grant, lease, or otherwise dispose of, the lands to be reserved to them by virtue of this act or any part thereof, for any estate, or in any manner whatsoever; and if any person or persons, after the completion of the contract and agreement aforesaid, shall presume to purchase, lease, or in any manner take, the said lands, or any part thereof, of the said Indians, or any of them, contrary to this act, such person or persons shall forfeit and pay the sum of two hundred dollars, to be recovered by presentment and indictment in the county court of Dorchester, and his, her or their estate therein shall be void and of no effect, and the party or parties shall be trespassers, and for such trespass, and for every other trespass in any manner committed upon the said reserved lands, the party or parties shall be liable to be sued in the name of this state, and, on conviction, double damages shall be recovered, and the costs of suit.”

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**VIRGINIA.—1656.**

Indians to be first served with lands.

*Be it enacted by this present Grand Assembly*, That there be no grants of land to any Englishman whatsoever, (*de futuro*) until the Indians be first served with the proportion of fiftie acres of land for each bowman; and the proportion of each particular towne to lie together, and to be surveyed, as well woodland as cleared ground; and to be layd out before pattented, with libertie of all waste and unfenced land, for hunting for the Indians.

*And be it further enacted*, That, where the land of any Indian or Indians be found to be included in any pattent allredie granted for said land at Rappahannock, or the parts adjacent, such pattentee shall either purchase the said land of the Indians, or relinquish the same, and be therefore allowed

Virginia,  
1656.

satisfaction by the English inhabitants of the said places, the said satisfaction to be proportioned equally between them.

Confirmation of Indians' land.

WHEREAS many complaints have bin brought to this Assem-<sup>Virginia</sup>blie, touchinge wrong done to the Indians, in takeing away <sup>1655.</sup> their land, and forcing them into such narrow streights and places, that they cannot subsist, either by planting or hunting; and for that it may be feared, they may be justly driven to despaire, and to attempt some desperate course for themselves; which inconveniences, though they have bin endeavoured to be remedied by former acts of Assemblie made to the same purpose, yet, notwithstanding manie English doe still intrench upon the said Indians' land; which this Assemblie conceiving to be contrary to justice, and the true intent of the English plantation in this country, whereby the Indians might, by all just and faire waies, be reduced to civillity, and the true worship of God, *have therefore thought fitt to ordaine and enact, and bee it hereby ordained and enacted*, That all the Indians of this collonie shall and may hold and keep those seates of land which they now have; and that no person or persons whatsoever, be suffered to intrench or plant upon such places as the said Indians claime or desire, untill full leave from the Governour and Councill, or Commissioners for the place; yet this act not to be extended to prejudice those English which are now seated with the Indians' former consent, unless, uppon further examination, before the Grand Assemblie, cause shall be found for so doeing. And the said Commissioner shall be accomptable before the Governour and Councill, and the Grand Assemblie, if any wrong or injurie be done to the Indians, contrary to the intent of this act.

*And be it further enacted*, That the Indians, as either now or hereafter, shall want seates to live on, or shall desire to remove to any places void or uptaken upp, they shall be assisted therein, and order granted them, for confirmation thereof; and no Indians to sell their lands but at Quarter Courtes: And that those English which are lately gone to seat near the Pamunkies, and the Chicominyes, on the north side of Pamunkie river, shall be recalled, and such English to choose their seates elsewhere; and that the Indians, as by a former act was granted them, shall have free liberty of hunting in the woods without the English fenced plantations; these places excepted, between Yorke river and James river, and between Black water and the Manakin towne, and James river; and no patent shall be adjudged valid, which hath lately passed, or

Virginia  
1759.

shall pass, contrary to the sense of this act, nor none to be of force, which shall intrench upon the Indians' lands, to their discontent, without express order for the same.

1660.

1660.

WHEREAS the Indians of Accomack have complained that they are very much straightened for want of land, and that the English seate so near them, that they receive very much damage in their corne. It is ordered that the Right Honourable the Governour give commission to two or three gentlemen, with a surveyor living on this side of the bay, (that have no relation to Accomack) to go over thither, and lay out such a proportion of land for the said Indians, as shall be sufficient for their maintenance with hunting and fishing excluded; and that the land soe laid out, to be so secured to the Indians that they may have no power to alienate it, or any part of it, hereafter, to the English.

1665.

An act concerning Indians.

1665.

WHEREAS, at a Grand Assemblie, held at James City, September 10th, 1663, it was provided that where any murther was committed by the Indians upon the English, the nexte turne of the Indians was, to use their utmost endeavours for discovering the actors and doers thereof, and in regard the said act was only lymited upon the northern Indians: *This Grand Assembly have thought fit to enact, and it being enacted,* That the said law be a generall law against all Indians whatsoever, and where any murthers be committed upon the English, the next turne is to use all their care and diligence in finding the doers and actors of the said murthers

*And be it further enacted,* That if any Englishmen is murthered, the nexte turne shall be answerable for it with their lives or liberties to the use of the publique, and that the Right Honourable the Governour, be humbly requested forthwith to empower such persons as His Honour shall think fitt, in each county on such occasions for putting the said law into immediate execution, and that it be made known to all Indians whatsoever by these persons soe committed within two months after the said law is in force.

*And be it further enacted by this Grand Assembly,* That the said Indians shall not have power within themselves to elect or constitute their owne *werowance* or Chiefe Commander, but the present Honourable Governour, and his successors from time to time shall constitute and authorize such persons in whose fidelity they may finde the greatest cause to repose

a confidence, to be the Commander of the respective townes, <sup>Virginia</sup> and in case the Indians shall refuse their obedience to, or mur- <sup>1665.</sup>der such persons, then that nation of Indians soe refusing or offending to be accompted enemies and rebels and to be proceeded against accordingly.

And whereas the careless manner of the English, in going unarmed into churches, courts, and other publike meetings, may probably in time invite the Indians to make some desperate attempt upon them,

*It is further enacted,* That the Honourable the Governour, be requested to issue his commands to the officers of the militia to take care to prevent the same.

*And it is further enacted,* That any person or persons that shall harbour, entertaine, or employ any Indian, shall be fined five thousand pounds of tobacco, or suffer one year's imprisonment without baile or mainepriise, unless such as shall give sufficient security to the county courts, and upon such security, obteyne a certificate from the said court, and upon that certificate a lysesce from the Governour.

And whereas by the former articles of agreement, it was provided, that no Indians which are seated on the South side of James river, should come over the *Black water* or the Southerne branches thereof,

*It is hereby enacted,* That the said bounds, from the head of *Black water* to the Apamatack Indian towne, and thence cross to the Monikon towne, be the bounds of the Indians on the South side of James river.

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### 1705.

An act for prevention of misunderstandings between the tributary Indians and other her Majesty's subjects of this colony and dominion, and for a free and open trade with all Indians whatever.

1. For prevention of all manner of animosities, jealousies, fears, misunderstandings, and differences, whatsoever, between the tributary Indians and other her Majesty's subjects of this colony and dominion; as, also, the several revenges and mischiefes which may thereupon be sought after, and ensue, <sup>1705.</sup>

2. *Be it enacted by the Governour, Council and Burgesses, of this present General Assembly, and it is hereby enacted by the authority of the same,* That it shall not be lawful for an Indian king, or any other of the said tributary Indians whatsoever, to bargain and sell, or demise to any person or persons; other than to some of their own nation, or their posterity, in fee, for life, or for years, the lands laid out and appropriated for the use of the said Indians, or any part or par-

Virginia  
1766.

ced thereof; or to bargain and sell, as aforesaid, any other land whatsoever, now actually possessed or justly claimed and pretended to by the said Indians, or any of them, by virtue of the articles of peace made and concluded with the said Indians the twenty-ninth day of May, one thousand six hundred and seventy-seven, or by virtue of any other right or title whatsoever; and that every bargain, sale, or demise, hereafter made, contrary to this act, as aforesaid, shall be, and is hereby declared to be, null and void, to all intents, constructions, and purposes, whatsoever.

3. *And be it further enacted by the authority aforesaid,* That if any person or persons (other than the Indians and their posterity) shall, from and after the publication of this act, presume to purchase or obtain any deed or conveyance in fee, or any lease for years, from any of the tributary Indians, of any lands, tenements, or hereditaments, laid out or appropriated, or now actually possessed, or justly claimed and pretended to, by the said Indians; or shall occupy or tend any of the said lands, by permission of the said Indians, or otherwise, every person or persons so offending, and being thereof lawfully convicted in any court of record within this colony, shall forfeit and pay the sum of ten shillings current money for every acre of land so purchased, leased or occupied: and for every year during the continuance of the possession or occupation of any lands, by virtue of such purchase or lease, the person or persons so offending shall forfeit and pay the sum of ten shillings current money, for every acre of land so possessed or occupied, as aforesaid; one moiety of which said forfeitures shall be to our sovereign lady the queen, her heirs and successors, for and towards the better support of the government of this her majesty's colony and dominion, and the contingent charges thereof, and the other moiety to the informer; to be recovered by action of debt, bill, plaint, or information, wherein no essoin, protection, or wager of law shall be allowed.

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1776.

Extract from the constitution or form of Government, agreed to, and resolved upon, by the Delegates and Representatives of the several counties and Corporations of Virginia.

1776.

ART. 21. The territories contained within the charters erecting the colonies *Maryland, Pennsylvania, North and South Carolina*, are hereby ceded, released, and forever confirmed to the people of those colonies respectively, with all the rights of property, jurisdiction, and government; and all other

rights whatsoever, which might at any time heretofore been <sup>Virginia</sup> claimed by *Virginia*, except the free navigation and use of the <sup>1776.</sup> rivers *Potomac* and *Pohomoke*, with the property of the *Virginia* shores or strands bordering on either side of the said rivers, and all improvements which have been, or shall be made thereon. The Western and Northern extent of *Virginia* shall, in all other respects, stand as fixed by the charter of King James I, in the year one thousand six hundred and nine, and by the public treaty of peace between *Great Britain* and *France*, in the year one thousand seven hundred and sixty-three; unless, by act of Legislature, one or more territories shall hereafter be laid off, and governments established Westward of the Alleghany mountains. And no purchase of lands shall be made of the *Indian* natives, but on behalf of the public, by authority of the General Assembly.

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**1777.**

Extract from an act for establishing a General Court.

“SEC. 38. No person convicted of perjury shall be capable of being a witness in any case, nor shall any negro, mulatto, <sup>1777.</sup> or Indian, be admitted to give evidence but against or between negroes, mulattoes, or Indians.”

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**1779.**

An act for declaring and asserting the rights of this commonwealth, concerning purchasing lands from Indian natives.

1. To remove and prevent all doubt concerning purchases of land from the Indian natives, *Be it declared by the General Assembly*, <sup>1779.</sup> That this commonwealth hath the exclusive right of preemption from the Indians of all lands within the limits of its own chartered territory, as described by the act and constitution of government in the year one thousand seven hundred and seventy-six; that no person or persons whatsoever have, or ever had, a right to purchase any lands within the same from any Indian nation, except only persons duly authorized to make such purchases on the publick account, formerly for the use and benefit of the colony, and lately for the commonwealth; and that such exclusive right of preemption will, and ought to be maintained by this commonwealth to the utmost of its power.

2. *And be it further declared and enacted*, That every purchase of lands heretofore made by, or on behalf of the crown of England or of Great Britain, from any Indian nation or nations within the before mentioned limits, doth and

Virginia  
1776.

ought to enure for ever to and for the use and benefit of this commonwealth, and to and for no other use or purpose whatsoever; and that all sales and deeds which have been or shall be made by any Indian or Indians, or by any Indian nation or nations, for lands within the said limits, to or for the separate use of any person or persons whatsoever, shall be, and the same are hereby declared utterly void and of no effect.

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**1782.**

An act to appoint persons to convey certain lands to Edwin Gray, and for other purposes.

1782.

1. WHEREAS by an act of General Assembly, passed under the former government, trustees were appointed and empowered, together with the Nottoway Indian chiefs, to sell and convey all the lands belonging to that tribe of Indians, lying on the north side of Nottoway river. That at a sale of the said lands Edwin Gray became the purchaser of thirty acres, which remained after laying off a certain number of lots, and for which no conveyance was executed before the death of the trustees. And the said Edwin Gray hath made application to this assembly to pass an act, appointing persons, in the room of the trustees so dead, to execute a conveyance for the said thirty acres of land.

2. *Be it therefore enacted*, That John Thomas Blow, Henry Westbrooke, and Thomas Edmunds, or any two of them, shall and they are hereby authorized and required, together with the surviving Indian chiefs of the Nottoway tribe, to execute a deed of conveyance for the said thirty acres of land, to the said Edwin Gray in fee. And whereas by one other act of Assembly, passed under the former government, persons were appointed to lease certain lands belonging to the said Indians, and to receive and lay out the rents arising therefrom, for the benefit of the said Indians: And it being represented that all, or the major part of the said trustees, are dead, and that it is necessary to appoint others.

3. *Be it therefore enacted*, That the said John Thomas Blow, Henry Westbrooke, and Thomas Edmunds, shall be, and they are hereby appointed, trustees also for receiving annually the said rents, and laying out the same, for the benefit of said Indians. That upon the death of any of the said trustees, the court of the said county of Southampton shall have power, and they are hereby required to appoint others, who shall have the same powers, in collecting and laying out the said rents, as those particularly named in this act.

1786.

An act concerning the Nansemond tribe of Indians.

1. WHEREAS it is represented to this present General Assembly, that there are only now remaining five persons of the Nansemond tribe of Indians, who, through old age, and bodily infirmities, are rendered unable to support themselves by labour, and in order to raise a fund for their future maintenance, have agreed to sell their lands whereon they live in the county of Southampton, containing about three hundred acres, to a certain William Bennet, for twenty shillings per acre, the full value thereof; but no legal conveyance can be made for the same without the aid and direction of the legislature, and it being also represented that upon the death of the said five Indians, the whole of that particular tribe will be extinct:

2. *Be it therefore enacted*, That John Taylor, Edwin Gray, and John Thomas Blow, gentlemen, are appointed trustees for the said Indians, and that they, or any two of them, shall, and they are hereby required and empowered, upon the said William Bennet's giving bond and sufficient security, to be approved of by the court of the said county, for the amount of the purchase money, to join with the said Indians, or the major part of them, in conveying the said land to the said William Bennet in fee. The said trustees, or the survivors or survivor of them, shall annually apply the interest of the purchase money, if sufficient, if not, five pounds out of the principal, for the maintenance and support of each of the said Indians, so long as there be any of the said tribe living; and upon their death, and the said tribe becoming extinct, the said trustees, or the survivors or survivor of them, shall thereupon pay so much of the purchase money and interest, as shall remain unapplied, into the public treasury.

An act for appointing Trustees to the Pamunkey Indians.

1. WHEREAS, it is represented that the trustees for the Pamunkey Indians are all dead, except the honorable Carter Braxton; and the said Indians have petitioned this Assembly to appoint others in their stead:

2. *Be it therefore enacted*, That Drury Ragsdale, James Hill, Thomas Littlepage, James Johnson, the younger; Bernard Moore, William Dandridge Claiborne, Benjamin Temple, Thomas Robinson, Isaac Quarles, and James Ruffin, gentlemen, shall be, and they are hereby constituted trustees for the said Indians, in the room of those who are dead.



1791.

An act concerning the Nansemond tribe of Indians.

Virginia  
1791.

**SEC. 1.** WHEREAS it was represented to the General Assembly, in the year one thousand seven hundred and eighty-six, that the Nansemond tribe of Indians had become so reduced in their number as not to exceed five persons, who, through old age, and bodily infirmities, were rendered unable to support themselves by labour, and for affording them relief, an act then passed, authorizing a sale of their lands on which they resided in the county of Southampton, to a certain William Bennet, who having advanced them a small sum of money had contracted for the purchase thereof, but who departed this life insolvent, before he had complied with the conditions of the said contract: And whereas the said tribe of Indians have, since the death of the said William Bennet, agreed to sell their said lands, containing about three hundred acres, to a certain Alexander M'Neill, and have made application to this Assembly for trustees to be appointed to join them in the conveyance thereof: *Be it therefore enacted*, That James Wilkinson, Edwin Gray, John Thomas Blow, Thomas Edmunds, Benjamin Kirby, Josiah Vick, and Robert Goodwyn, gentlemen, are appointed trustees for the said Indians; and that they, or any five of them, shall, and they are hereby required and empowered, upon the said Alexander M'Neill's giving bond and sufficient security, to be approved of by the court of Southampton county, in a reasonable penalty, to pay to the said trustees, or their survivors, for the use of the said tribe of Indians, the amount of the consideration money, to join with the said Indians, or the major part of them, in conveying the said land to the said Alexander M'Neill in fee. *Provided nevertheless*, The said trustees may refuse to join in the said conveyance, if they, or any five of them, shall be of opinion that the said purchase money is not the full value of the said land.

**SEC. 2.** The said trustees, or the survivors or survivor of them, shall, out of the first moneys coming to their hands from the said sale, pay to the lawful representatives of the said William Bennet, deceased, the amount of the money which was advanced by him in his lifetime to the said tribe of Indians, with legal interest thereon to the time of such payment. The said trustees, or their survivors, shall apply five pounds of the residue of the said purchase money first (exhausting the interest) to the annual maintenance of each of the said Indians, so long as there be any of the said tribe living; and when the

said tribe shall become extinct, the said trustees, or the survivors or survivor of them, shall thereupon pay so much of the purchase money and interest, as shall remain unapplied to the purposes aforesaid, into the public treasury. <sup>Virginia 1791.</sup>

SEC. 3. So much of any act or acts, as comes within the purview of this act, shall be, and the same is hereby repealed.

### 1792.

An act concerning the Nottoway tribe of Indians.

SEC. 1. WHEREAS it is represented to this present General Assembly, by the Nottoway tribe of Indians, residing in the county of Southampton, that for their better support they did in the year one thousand seven hundred and seventy-two, lease to certain persons, a considerable tract of land lying in the said county, which lease will expire in the year one thousand seven hundred and ninety-three; and in order to raise a fund for their future support, the said tribe of Indians have petitioned this Assembly for a law to pass, authorizing a sale of the said tract of land, and that trustees may be appointed to join them in the conveyance thereof; <sup>1792.</sup>

SEC. 2. *Be it therefore enacted;* That James Wilkinson, John T. Blow, Thomas Vaughan. Thomas Edmunds, John Taylor, Thomas Ridley and Robert Goodwyn, gentlemen, are appointed trustees for the said Indians.

SEC. 3. It shall be lawful for the said tribe of Indians, under the direction and with the approbation of the said trustees or any five of them, to proceed to sell the said tract of land upon twelve months credit; upon which sale being made, the said trustees, or any five of them, shall be, and they are authorized and empowered to join the said tribe of Indians, in conveying the same to the purchaser or purchasers, in fee.

SEC. 4. It shall moreover be the duty of the said trustees, to take bonds and sufficient security, payable to themselves and their successors, for the amount of the purchase money for the said land, and so soon as the same shall be paid into their hands, it shall be lawful for them or any five of them, to lay out such amount in the purchase of public securities, and to draw the interest arising therefrom, and apply the same, if sufficient, if not, so much of the principal as the said trustees or any five of them may deem necessary, for the maintenance and support of each of the said Indians, so long as there be any of the said tribe living; and should the said tribe become extinct, the said trustees, or the survivors or survivor of them,

Virginia  
1792.

shall thereupon pay so much of the purchase money and interest, as shall remain unapplied, into the public treasury.

SEC. 5. *And be it further enacted*, That upon the death, resignation, or removal out of the said county, of any of the said trustees, it shall and may be lawful for the remaining trustees, or a majority of them, to supply the vacancy occasioned by such death, resignation, or removal, and the persons so appointed by the said trustees, shall have as full power and authority to act as if they had been herein particularly mentioned.

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An act empowering the county court of Northampton to appoint trustees for the purpose of protecting the rights of the Gingaskin tribe of Indians.

1792.

SEC. 1. WHEREAS it hath been represented to the present General Assembly, that it will contribute to the interest of the Gingaskin tribe of Indians, resident in the county of Northampton, if trustees were appointed to dispose of their lands in the said county, for their support:

SEC. 2. *Be it therefore enacted*, That the court of the county of Northampton shall be, and they are hereby empowered and required to appoint five trustees, whose duty it shall be, or a majority of them, to meet at some convenient place within one month after their appointment to make such disposition, by lease or otherwise, of the lands aforesaid, as to them shall seem most proper; and to distribute the profits arising therefrom in such proportions amongst the said Indians, as they, or a majority of them, shall think just and right. *Provided*, that such lease or leases do not exceed the term of seven years.

SEC. 3. *And be it further enacted*, That in case of vacancy of any of the said trustees, by death, resignation or otherwise, the said justices or their successors shall supply the vacancy occasioned thereby, and the said trustees, when appointed, shall have the same power and authority as if particularly named in this act.

SEC. 4. And the said justices, or their successors, shall also from time to time settle and determine any dispute that may arise between the trustees and the said Indians.

SEC. 5. This act shall commence and be in force from the passing thereof.

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An act concerning Tributary Indians.

1792.

1. *Be it enacted by the General Assembly*, That it shall not be lawful for any *Indian king*, or any other tributary

*Indians* whatsoever, upon any pretence, or upon any consideration, to bargain and sell, or demise to any person or persons, other than to some of their own nation, or their posterity, in fee, for life or for years, the lands laid out and appropriated for the use of such *Indians*, or any part or parcel thereof; or to bargain and sell as aforesaid any other land whatsoever now actually possessed, or justly claimed and pretended to by the said *Indians*, or any of them, by virtue of any articles of peace made and concluded with such *Indians* by this Commonwealth, or by the government existing previous to the establishment of this Commonwealth, or by virtue of any other right and title whatsoever; and every bargain, sale or demise, hereafter made contrary to this act, as aforesaid, shall be, and is hereby declared to be null and void, to all intents, constructions and purposes. Virginia  
1793.

2. If any person or persons (other than the *Indians* and their posterity) shall, from and after the publication of this act, presume to purchase or obtain any deed, or conveyance in fee, or any lease of years, from any of the tributary *Indians*, of any lands, tenements or hereditaments, laid out or appropriated, or now actually possessed, or justly claimed, or pretended to by the said *Indians*, or shall occupy or tend any of the said lands by permission of the said *Indians*, or otherwise, every person so offending, and being thereof lawfully convicted in any court of record within this Commonwealth, shall forfeit and pay the sum of one dollar and sixty-seven cents for every acre of land so purchased, leased or occupied, and so for every year such person or persons may hold possession of such lands, by virtue of such purchase or lease; one moiety of which penalty shall accrue to the Commonwealth, the other moiety to the informer; to be recovered by action of debt or information in any court of record within this Commonwealth.

3. The *Indians* tributary to this government shall be well secured and defended in their persons, goods and properties; and whosoever shall defraud or take from them their goods, or do hurt or injury to their persons, shall make satisfaction, and be punished for the same according to law, as if the *Indian* sufferer had been a citizen of this Commonwealth.

4. All acts or parts of acts, coming within the purview of this act, shall be and are hereby repealed; *Provided always*, that nothing in this act shall be construed to affect any rights, remedies, fines, forfeitures, penalties or amercements, which have accrued, been vested or incurred prior to the commencement of this act.

Virginia  
1793.

5. This act shall commence and be in force from and after the passing thereof.

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1828.

An act authorizing a sale of a tract of land belonging to the Pamunkey tribe of Indians.

1828.

WHEREAS, it is represented to the General Assembly by the trustees of the Pamunkey tribe of Indians, on behalf of the said tribe, and with the consent of a large majority of the said Indians, that among the said Indians are many, who by reason of age, infirmity and infancy, are unprovided for, the unhappy subjects of poverty and wretchedness, whilst the robust members of the tribe hold, use and occupy the valuable land belonging to the said tribe as a common property, to the entire exclusion from all participation therein, of the aged and infirm, and infants who have lost their parents; and it is further represented, that the said Indians claim title to a piece of land in the county of King William, containing about two hundred and seventy acres, which they have ceased to occupy for about thirty years, the said piece of land being separated from the more valuable and occupied lands of the tribe; and it is desirable in the view of humanity and justice, that the said piece of unoccupied land should be sold and converted into a fund for the comfort and support of the helpless and infirm of said tribe:

1. *Be it therefore enacted*, That Christopher Johnson, James Smith, Sterling Lipscomb, Thomas Stark and Charles H. Braxton, acting trustees of the Pamunkey tribe of Indians, or a majority of them, be, and they are hereby empowered and required to sell at public auction, on the premises, and after due notification of the said intended sale, said tract of two hundred and seventy acres of land, called the Indian Field, situated in the county of King William, allowing such credit to the purchaser as the majority of the said trustees may deem advisable, upon bond and approved security, to be entered into under the direction and control of the court of said county, and payable to the said acting trustees, and the survivor or survivors; and upon the execution of said bond, with approved security, in manner and form as above required, it shall be the duty of the said trustees, or a majority of them, to join in a conveyance of said tract of land to the purchaser or purchasers. And any deed or conveyance regularly executed by the said trustees, or a majority of them, in compliance with this act, and duly recorded, shall be deemed and taken in

law and equity, as valid and effectual, to convey all the right <sup>Virginia</sup> and title of the said Pamunkey Indians. and all and every person or persons claiming to be a part of the said tribe, to the said tract of land, and shall forever afterwards be a bar to the recovery of the said tract of land, by the said tribe of Indians, or any person or persons claiming to be of the same. 1828.

2. *And be it further enacted*, That the purchase money so accruing from the sale of the said land, shall be regularly placed at interest, upon real security, by the said acting trustees, or the survivor or survivors, under the direction and control of the court of the said county.

3. *Be it further enacted*, That the said acting trustees, and the survivor or survivors, shall annually apply the interest of the purchase money, for the maintenance and support of such of the said Indians, as shall be deemed proper objects, and within the intention and relief of this act: *Provided always*, That in no case shall the said trustees apply the principal of the said purchase money, or any part thereof, to the support or maintenance of the said Indians, unless the same shall be authorized by order of the court of said county: And unless the whole number of acting magistrates of the said county shall approve, and consent to the application of the said principal, or any part thereof: *Provided, nevertheless*, That whatever portion of the principal of the sum obtained by the sale of the said land, shall be remaining in the hands of the trustees, on the extinction of said tribe, shall vest in the Commonwealth, and be paid into the public treasury by the said trustees.

4. This act shall commence and be in force from and after the passing thereof.

### NORTH CAROLINA.—1715.

An act for restraining the Indians from molesting or injuring the inhabitants of this government, and for securing to the Indians the right and property of their own lands.

1. WHEREAS, before the late war, daily and grievous complaints of the depredations and insults of the Indians were exhibited against them by divers persons bordering upon and residing near to the habitations of the said Indians: for the prevention of the like disorders for the time to come, and for cultivating a better understanding with the said Indians, the want of which has been so injurious to the Government:

North Carolina—1715.

SEC. 2. *Be it enacted by his Excellency the Palatine, and the rest of the true and absolute Lords Proprietors of the Province of Carolina, by and with the advice and con-*

North Carolina—1715.

*sent of the rest of the Members of the General Assembly, now met at Little River, for the Northeast part of said Province, and it is hereby enacted by the authority of the same,* That whoever shall discover or find any Indian or Indians, killing, hunting, or in pursuit of, any horses, cattle, or hogs, the right and property whereof is in any white man inhabiting within this Government, every such person or persons, on discovery or sight thereof, may, and he is hereby empowered, to apprehend and seize every such Indian or Indians, and him or them so apprehended and taken, to convey before some one of the commissioners to be appointed for Indian affairs, and for want of such, before the next magistrate, which said commission or magistrate, together with the ruler or head man of the town to which such Indian delinquent may belong, is and are hereby empowered to punish every such delinquent, in such manner as the nature of the offence may require, and to award restitution to the party injured for all damages by him sustained; saving always the right of appeal to the Governor and Council, if either party shall think themselves aggrieved or wronged thereby.

SEC. 3. *And be it further enacted by the authority aforesaid,* That if any difference shall for the future arise between any white man and Indian, concerning trade, or otherwise howsoever, every such difference shall be heard, tried, and determined, by such commissioners as the Governor or Commander-in-Chief for the time being shall appoint, together with the ruler or head man of the town to which the Indian belongs; saving only the right of appeal, as herein before saved and accepted.

SEC. 4. And whereas there is great reason to believe that disputes concerning land has already been of fatal consequence to the peace and welfare of this colony, *Be it further enacted by the authority aforesaid,* That no white man shall, for any consideration whatsoever, purchase or buy any tract or parcel of land, claimed, or actually in possession of any Indian, without special liberty for so doing from the Governor and Council first had and obtained, under the penalty of TWENTY POUNDS for every hundred acres of land so bargained for and purchased, one half to the informer and the other half to him or them that shall sue for the same: to be recovered by bill, plaint or information, in any court of record within this government; wherein no essoin, protection, injunction, or wager of law, shall be allowed or admitted of.

SEC. 5. *And be it further enacted by the authority aforesaid,* That whatever white man shall defraud or take from any

of the Indians his goods, or shall beat, abuse, or injure his person, each and every person so offending shall make full satisfaction to the party injured, and shall suffer such other punishment as he should or ought to have done, had the offence been committed to an Englishman. North Carol-  
na—1715.

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1748.      9

An act for ascertaining the bounds of a certain tract of land, formerly laid out by treaty to the use of the Tuscarora Indians, so long as they, or any of them, shall occupy and live upon the same, and to prevent any person or persons taking up lands, or settling within the said bounds, by pretence of any purchase or purchases made, or shall be made, from the said Indians.

WHEREAS, complaints are made by the Tuscarora Indians, 1748. of divers encroachments made by the English on their lands, and it being but just that the ancient inhabitants of this Province shall have and enjoy a quiet and convenient dwelling place in this their native country: Wherefore,

SEC. 2. We pray it may be enacted, *And be it enacted by his Excellency Gabriel Johnston, Esquire, Governor, by and with the advice and consent of his Majesty's Council and General Assembly of this Province, and it is hereby enacted by the authority of the same,* That the lands formerly allotted the Tuscarora Indians, by solemn treaty, lying on Morotock river, in Bertie county, being the same whereon they now dwell; butted and bounded, as follows, viz: Beginning at the mouth of Quitsnoy swamp, running up the said swamp four hundred and thirty poles, to a scrubby oak, near the head of the said swamp, by a great spring; then north, ten degrees east, eight hundred and fifty poles, to a persimmon tree an Rاقuis' swamp; then along the swamp and Pocosin main course, north fifty-seven degrees west, two thousand six hundred and forty poles, to a hickory on the east side of Falling Run or Deep Creek, and down the various courses of the said run to Marratock river; then down the river to the first station; shall be confirmed and assured, and by virtue of this act, is confirmed and assured, unto James Blount, Chief of the Tuscarora Nation, and the people under his charge, their heirs and successors, forever; any law, usage, custom, or grant, to the contrary notwithstanding.

SEC. 3. *Provided always,* That it shall and may be lawful for any person or persons, that have formerly attained any grant or grants, under the late lords proprietors, for any tracts or parcels of land within the said aforesaid boundaries, upon the said Indians deserting or leaving the said lands, to enter,



North Carolina—1748.

occupy and enjoy the same, according to the tenor of their several grants; any thing herein to the contrary notwithstanding.

SEC. 4. *And be it further enacted by the authority aforesaid,* That it shall not, nor may be lawful, for the Lord Granvilles' receiver to ask, have, or demand, any quit rents for any of the said tracts or parcels of lands, taken up within the said Indian boundaries, as aforesaid, until such time the Indians have deserted the same, and the patentee be in possession thereof; and then only for such rents as shall from thence arise and become due; any law, usage, or custom, to the contrary notwithstanding.

SEC. 5. *Be it further enacted by the authority aforesaid,* That no person, for any consideration whatsoever, shall purchase or buy any tract or parcel of land claimed, or in possession of any Indian or Indians, but all such bargains and sale shall be, and are hereby declared to be, null and void, and of none effect; and the person so purchasing or buying any land of any Indian or Indians, shall further forfeit the sum of ten pounds, proclamation money, for every hundred acres by him purchased and bought, one half to the use of the public, the other half to him or them that shall sue for the same; to be recovered, by action of debt, bill, plaint, or information, in any court of record within this Government, wherein no essoin, protection, injunction, or wager of law, shall be allowed or admitted of.

### 1778.

An act for quieting and securing the Tuscarora Indians, and others claiming under the Tuscaroras, in the possession of their lands.

1778.

1. *Be it enacted, &c.* That Whittnell Tuffdick, chief or headman of the Tuscarora nation, and the Tuscarora Indians, now living in the county of Bertie, shall have, hold, occupy, possess and enjoy, all the lands lying in the county of Bertie aforesaid; whereof they are now seized and possessed, (being part of the lands heretofore allotted to the Indians aforesaid, by solemn treaty, and confirmed to them and their successors, by act of Assembly, in the year one thousand seven hundred and forty eight,) without let, molestation, or hindrance, clear of all quit rents, or any public demand, by way of tax whatever to them, the said Tuscarora Indians, and their heirs and successors; and that they the said Tuscaroras, and their heirs and successors, shall forever be clear and exempt from every kind of poll-tax.

2. And whereas the said Tuscarora Indians, by nature ignorant, and strongly addicted to drinking, may be easily imposed

on by designing persons, and unwarily deprived of their said North Carolina lands:—1778.

*Be it enacted*, That no person, for any consideration whatever, shall hereafter purchase, buy or lease, any tract or parcel of land, now claimed by, or in possession of, the said Tuscarora Indians, or any of them; nor shall any person settle on or cultivate the said lands, or any part thereof, in his own right, or under pretence as acting as overseer for the said Indians; and if any person shall, hereafter, purchase, buy or lease, any lands of the said Indians, or settle on or cultivate any part thereof, in his own right or as overseer for the Indians, all such purchases, sales, leases, and agreements, shall be, and they are hereby, declared null and void; and the person so purchasing, buying, or leasing, settling on, or cultivating, the said lands, or any part thereof, shall forfeit and pay the sum of three hundred pounds, current money, for every hundred acres by him so purchased, bought or leased, settled on, or cultivated, as aforesaid; one half to the use of the said Tuscarora Indians, the other to the use of him or her who shall sue for the same; to be recovered by action of debt, bill, plaint, or information, in any court having cognizance thereof: *Provided*, That the said Tuscarora Indians may sell or dispose of their lands, or any part thereof, with consent of the General Assembly first had and obtained.

3. And whereas the chieftains and head men of the Tuscarora nation, living in the county, did, on the twelfth day of July, in the year one thousand seven hundred and sixty-six, for the consideration of fifteen hundred pounds, to them paid, by Robert Jones, Jun., William Williams, and Thomas Pugh, by indenture, under their hands and seals, demise, grant, and to farm let, unto the said Robert Jones, William Williams, and Thomas Pugh, a certain tract of land, lying in the county aforesaid, containing about eight thousand acres, more or less, bounded as follows, *to wit*: Beginning at the mouth of Deep Creek, otherwise called Falling Run; thence running up the said creek to the Indian head line; thence by the said line, South seventeen degrees east, twelve hundred and eighty poles; thence a course parallel with the general current of the said creek to Roanoke river, and then up the river to the beginning; together with the appurtenances thereto belonging, to be held and enjoyed by the said Robert Jones, William Williams, and Thomas Pugh, their executors, administrators, and assigns, in severalty, for and during the term of one hundred and fifty years, as may more fully appear by the said indenture, registered in the county court of Bertie aforesaid,

North Carolina—1778. and ratified by act of Assembly, passed at Newbern, in the year one thousand seven hundred and sixty-six:

*Be it enacted,* That each and every of the persons entitled to claim under the demise aforementioned, or by grants from the persons claiming under the same, or either of them, and their heirs and assigns, shall and may have, hold, occupy, possess, and enjoy, the several shares, dividends or parcels of the said land to them belonging, in as full, free, and absolute manner, and with the same legal privileges and advantages, in every respect, and subject to the same taxes, as if the said land had been originally granted to the said Robert Jones, William Williams, and Thomas Pugh, by Lord Granville or by this State.

4. And whereas the said Tuscarora Indians, for good and sufficient reasons, and for valuable considerations, have, since the twelfth day of July, one thousand seven hundred and sixty-six, and previous to the first day of December last, demised, granted, and to farm let, sundry tracts, or parts of land, lying in said county of Bertie, to sundry persons, as by indentures duly executed may more fully appear:

*Be it enacted,* That all the lands contained in the last mentioned demises, if the said demises were fairly, *bona fide*, and without fraud, made by, and obtained from, the said Tuscarora Indians, since the year one thousand seven hundred and sixty-six, and previous to the first day of December last past, shall not be decreed vacant lands, or be liable to be entered as such in the land office, unless the General Assembly shall hereafter so direct; but, nevertheless, shall be subject to the same taxes as other lands in this State are liable to.

5. And whereas, it is suggested by the said Tuscarora Indians, that unfair dealing has been used in obtaining one or more of the demises aforementioned; and they, the said Indians, have, at present, no mode for obtaining redress in such cases:

*Be it therefore enacted,* That the commissioners hereinafter mentioned, or a majority of them, shall and may, upon complaint of the said Tuscarora Indians, in court or meeting assembled, that any person or persons has or have unfavourably or fraudulently obtained any grant or demise for lands to them belonging, since the year one thousand seven hundred and sixty-six, and previous to the first day of December last, summon the person or persons so complained against, or cause him or them to be summoned, to appear before them on a certain day, on the land in dispute, (giving at least ten days notice previous to the day in such summons appointed) then and there to

answer the complaints of the Indians, for having fraudulently or unfairly obtained a grant or demise of the land in question; and shall also summon, or cause to be summoned, a jury of twelve men, being freeholders in the said county of Bertie, and not resident on, or owners of, any lands purchased of the said Tuscarora Indians; and the said commissioners, or a majority of them, shall attend at the time and place appointed, with the jury aforesaid, and having first sworn the jury to try and determine fairly between the said Indians, and the person or persons complained against, shall and may cause witnesses to be examined on both sides, and receive the verdict of the jury, and return the same, with the pannel, to the next county court of the said county of Bertie, to be entered upon record; and such verdict shall be as good and effectual as if obtained in any court of record; and if the same be general, the said commissioners, or a majority of them, shall and may appoint one or more person or persons to carry the same into execution; but if special, then the court shall decide thereon, and cause the sheriff of the county to carry such decision into execution.

North Carolina—1778.

6. And whereas the said Indians are often injured by horses, cattle, and hogs, driven on their lands by the white people, the said horses, cattle, and hogs, breaking into their enclosures, and destroying their corn and other effects; and are also frequently deprived of their property, and abused by ill disposed persons: for remedy whereof, and also for recovery of rents and demands now due, or which may hereafter become due and owing to the said Tuscarora Indians:

*Be it enacted*, That William Williams, Thomas Pugh, Willie Jones, Simon Turner, and Zedekiah Stone, be, and they are hereby, appointed commissioners for the said Indians; and they, or any three of them, shall and may inquire into the complaint made by the said Indians, summon the persons complained against before them, and award such restitution and redress as to them shall seem just and necessary; and may appoint an officer or officers to serve subpoenas, and execute such awards and determinations as they shall or may make in regard of the premises; and the court of the said county of Bertie is hereby authorized and required to fill up, from time to time, by new appointments and vacancies which may happen among the commissioners, by death or resignation; and upon complaint of the chief or head man of the nation, and the rest of the Indians, in court or meeting properly assembled, against any one of the commissioners for misbehaviour, may inquire into the conduct of the person or persons complained against, remove him or them if necessary, and appoint another or others in his or their stead.

North Carolina—1778.

7. *And be it further enacted*, That the lands leased by the said Tuscarora Indians to Robert Jones jr., William Williams, and Thomas Pugh, and to other persons, shall revert to, and become the property of the State, at the expiration of the terms in the several leases mentioned, if the said nation be then extinct: and the lands now belonging to, and possessed by, the said Tuscaroras, shall revert to, and become the property of the State, whenever the said nation shall become extinct, or shall entirely abandon or remove themselves off the said lands, and every part thereof: *Provided*, That no person shall have any preference of entry to any of the said lands by virtue of any lease or occupancy whatsoever since December, one thousand seven hundred and seventy-six, whenever the General Assembly shall declare the said lands to be vacant.

1783.

Extract from an Act for opening the Land Office for the redemption of specie and other certificates, and discharging the arrears due to the Army.

1783.

“SEC. 3. *And be it further enacted*, That the Western boundary be enlarged, and established by a *line*, beginning on the line which divides this State from that of Virginia, at a point due north of the mouth of Cloud’s Creek, running thence *west* to the Mississippi; thence down the Mississippi to the thirty-fifth degree of north latitude; thence due *east* until it strikes the Apalachian mountains; thence with the Apalachian mountains to the ridge that divides the waters of French-broad River and the waters of Nollichuckie River, and with that ridge until it strikes the *line* described in the fifth section of an act, entitled “*An act to amend an act for establishing offices for receiving entries of claims for lands in the several counties within this State, for ascertaining the method of obtaining titles to the same, and for other purposes;*” and with that line, and those several water courses, to the beginning.”

“SEC. 5. *And be it further enacted*, That the Cherokee Indians shall have and enjoy all that tract of land bounded as follows, *to wit*: Beginning on the Tennessee, where the Southern boundary of this State intersects the same, nearest to the Chickamawga Towns; thence *up* the middle of the Tennessee and Holstein to the middle of *French-broad*; thence *up* the middle of French-broad River (which lines are not to include any island or islands in the said river) to the mouth of Big-Pidgeon River; thence *up* the same to the head thereof, thence along the dividing ridge between the waters of Pidgeon River and Tuckasejah River to the Southern boundary of the State;

and the lands contained within the aforesaid bounds shall be, North Carolina—1788. and are hereby, reserved unto the said Cherokee Indians and their *nation* forever, any thing herein to the contrary notwithstanding.

SEC. 6. *And be it further enacted*, That no person shall enter and survey any lands within the bounds set apart for the said Cherokee Indians, under the penalty of fifty pounds specie for every such entry so made, to be recovered in any court of law in this State, by, and to the use of, any person who will sue for the same; and all such entries and grants thereupon, if any should be made, shall be utterly void.

SEC. 7. *And be it further enacted*, That no person, for any consideration whatever, shall purchase or buy, or take any gift or lease of any tract of land within the said bounds of any Indian or Indians; but all such bargains, sales, gifts, and leases, shall be, and are hereby declared to be null and void; and the person so purchasing, buying, leasing, or taking any gift of any land or any Indian or Indians as aforesaid, shall moreover forfeit the sum of one hundred pounds specie, for every hundred acres so purchased, bought, leased, or taken, as aforesaid; one half to the use of the State, and the other half to him that will sue for the same, to be recovered in the manner aforesaid.

SEC. 8. And whereas the said Indians may receive injuries from the people hunting, ranging, or driving stocks of horses, cattle, or hogs, on the lands hereby allotted them: For remedy whereof, *Be it enacted by the authority aforesaid*, That it shall not be lawful for any person or persons whatsoever to hunt or range on the said lands, or to drive stocks of cattle, horses, or hogs thereon, on pain of forfeiting the sum of fifty pounds specie for every such offence, together with such stock or stocks of horses, cattle, or hogs, so driven; to be recovered by any person who shall sue for the same in the manner aforesaid.

SEC. 9. *And be it further enacted*, That it shall and may be lawful for any person who now is, or hereafter shall become, a citizen of this State, according to the constitution thereof, to enter with the entry taker, to be appointed by joint ballot of both Houses of this General Assembly, to receive entries for claims of land, (all lands in this act reserved for the Indians excepted) a claim for any lands, provided such claim does not exceed five thousand acres.

An act for appointing an agent, and holding a treaty with the Cherokee Indians, and for other purposes.

**SEC. 1.** Whereas, holding treaties, and appointing one or more agents to keep up a continual friendly correspondence with the said Indians, may prevent future wars, and save expense of blood and treasure:

**SEC. 2.** *Be it therefore enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same,* That his excellency the Governor, as soon as may be, shall hold, or by such persons as he shall commissionate for that purpose, cause to be held a treaty with the Chickamagaw and Over-hill Cherokees, and also with the Cherokees of the middle and valley settlements, at the Long Island, on Holstein river; and his excellency the Governor is hereby empowered to cause the musket powder, belonging to this State, or so much thereof as he shall think necessary, not exceeding one thousand weight, to be removed to the frontiers convenient to the place where the said treaty shall be held, and to give the said powder, or cause the same to be given, in presents to the said Indians; and his excellency the Governor is hereby empowered to issue warrants on the Treasury for any sum not exceeding two thousand five hundred pounds specie; and cause the same to be laid out in the purchase of goods suitable for the said Indians, and the same goods to give, or cause to be given, in consideration of the lands by the said Indians to be ceded to the State; and also, to issue warrants on the Treasury for the sum of one thousand pounds specie, to defray the expenses of removing the said powder and goods, for the purchase of necessary provisions for the support of said Indians attending the treaty, and other expenses thereof; and a full and accurate account of all expenditures, articles, stipulations, cessions, agreements, and proceedings of the said treaty, wherein this State is or may be interested, shall be laid before the next General Assembly.

**SEC. 3.** *And be it further enacted by the authority aforesaid,* That Joseph Martin be, and he is hereby appointed agent in behalf of this State, for the Chickamagaw and Over-hill Cherokees, and for the Cherokees of the middle settlements and valley towns; and the said agent shall visit the Indians under his agency, in their own country, once in six months; shall deliver to them messages from the Governor, receive their talks, record them in a journal; record in like manner such public talks as he without order may deliver them, and send copies of both to the Governor.

**SEC. 4.** And in order that all the dealings and intercourses with the said Indians may be carried on in the most *friendly*

North Carolina—1783.

and upright manner, and every fraud and imposition as far as possible prevented, *Be it therefore enacted by the authority aforesaid,* That no person whatsoever, shall deal or traffic with the said Indians, within the limits of this State, without license first had and obtained from the Governor of the same, and that those licenses shall be granted only to men of the most upright and unexceptionable honest characters, and shall not authorize any person obtaining them to trade with the said Indians for any longer time than one year, and those be annually received and obtained.

North Carolina—1783.

SEC. 5. *And be it further enacted by the authority aforesaid,* That every person obtaining such license shall pay for the same to the Governor the sum of FIVE pounds specie: and if any person shall presume to deal with the said Indians within the limits of this State, he shall forfeit and pay fifty pounds specie for the first offence, and ONE HUNDRED pounds specie for every subsequent offence, one half to the use of the public, the other half to him or them that shall prosecute for the same, to be recovered by action of debt, bill, plaint, or information, in any court of record.

SEC. 6. *And be it enacted by the authority aforesaid,* That the said agent shall be allowed ONE HUNDRED pounds specie per annum for all services.

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### 1801.

An act for the relief of the Tuscarora nation of Indians.

WHEREAS the Indians composing the Tuscarora nation have, by their chief Sacarusa, and others, regularly deputed and authorized, requested the concurrence of the General Assembly of this state to enable them to lease or demise, for a number of years, the residue of their lands situate in the county of Bertie, in such a manner that the whole of the leases on said land shall terminate at the same period: 1801.

SEC. 1. *Be it enacted, &c.* That the said Chief Sacarusa, Longboard and Samuel Smith, or a majority of them, be, and they are hereby authorized to lease and to farm let, the undemised residue of the lands allotted to the Tuscarora nation in Bertie county, for a term of years that shall expire and end when the lease made by the Tuscarora nation to Robert Jones and others, in the year one thousand seven hundred and sixty-six, shall end and expire, and also extend the term or terms of the leases already made or granted for a shorter term, to a term or terms which shall expire at the same time with the said lease made in the year one thousand seven hundred and



North Carolina—1801.

sixty-six, in such parcels and on such rents and conditions as may be approved by the commissioners appointed in pursuance of this act, and which may best promote the interest and convenience of the said Indian nation.

And whereas some difficulties have arisen respecting the receipt and payment of the rents on some of the present leases,

SEC. 2. *Be it further enacted*, That the said Chiefs, or a majority of them, be, and they are hereby authorized to make such alterations, by covenant or agreement, respecting the payment and receipt of any of the rents due, or that may become due on any of the existing leases, as the commissioners appointed in pursuance of this act, or a majority of them, shall approve.

Whereas the said Indian Chiefs are ignorant of the usual forms of business, and may want advice and assistance in transacting the business respecting their lands, for remedy whereof, and to prevent their being injured,

SEC. 3. *Be it further enacted*, That the Governor shall appoint three commissioners for the purpose of carrying the provisions of this act into effect; and no lease, grant, demise, covenant or agreement made by the said Indian Chiefs as aforesaid respecting said lands, or the rents thereof, shall be good or valid in law, unless the same shall be approved by said commissioners, or a majority of them, and such approbation shall be expressed in writing, and annexed or endorsed on such lease, covenant or agreement, and registered in the register's office of the county of Bertie, together with said lease or agreement; and the said commissioners shall receive the sum of twenty-five shillings per day for their compensation and expenses, to be paid out of the moneys received by the said Chiefs on leasing said lands.

SEC. 4. *And be it further enacted*, That the occupancy and possession of the tenants under the said leases, heretofore confirmed by act or acts of the General Assembly, and such leases as may be made under this act, shall be held and deemed, in all cases whatsoever, the occupancy and possession of the said Tuscarora nation, to all intents and purposes as if the said nation, or the Indians thereof, or any of them, actually resided on said lands.

Whereas the said Chiefs Sacarusa, Longboard and Samuel Smith, being duly and fully authorized and empowered by the said Tuscarora nation, have consented that the Indian claim to the use, possession and occupancy of said lands, shall cease and be extinguished, when the said lease made in the year one

thousand seven hundred and sixty-six, to Robert Jones and North Carolina—1801.  
others, shall expire.

SEC. 5. *Be it enacted*, That from and after the twelfth day of July, which shall be in the year one thousand nine hundred and sixteen, the whole of the lands allotted to the said Tuscarora Indians, by an act of the General Assembly passed at Newbern, on the fifteenth day of October, in the year of our Lord one thousand seven hundred and forty-eight, shall revert to, and become the property of the state, and the Indian claim thereto, shall, from that time, be held and deemed forever extinguished.

SEC. 6. *And be it further enacted*, That after the said lands shall revert to the state, if the same, or any part thereof, shall be vacant, the same shall not be liable to the entry or entries of any person or persons, without an express act of the legislature to that effect: *Provided always*, That it shall not be lawful for any person or persons to make any entry or entries on the said land, after the passing of this act: *Provided always*, That nothing in this act contained shall be construed so as to effect the title of any individual: *Provided nevertheless*, That no lot or parcel of lands laid off under the direction of said commissioners, shall exceed two hundred acres: *And provided further*, That no lease shall be made but by public auction, of which due notice shall be given in the Halifax and Edonton newspapers.

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### 1820.

An act prohibiting white men from cultivating the lands reserved to the Cherokee Indians.

*Be it enacted, &c.* That from and after the passing of this 1820: act, it shall not be lawful for any white man to buy, rent, lease or cultivate any of the lands reserved to the Cherokee Indians by the late treaties in eighteen hundred and seventeen, and eighteen hundred and nineteen, nor to act as agent, attorney or trustee, in buying, renting, leasing or cultivating such lands: and any persons violating the provisions of this act, shall forfeit five hundred dollars, to be recovered in any court having cognizance of the same, the one half to any person suing for the same, and the other half to the state: *Provided nevertheless*, That this act shall not extend or be so construed as to prevent Richard Walker, or the Big Bear, from managing the lands allotted to them as they may think proper.

## 1821.

An act to amend an act, passed at the last session of the General Assembly, entitled "An act prohibiting white men from cultivating the lands reserved to the Cherokee Indians."

**SEC. 1.** *Be it enacted, &c.* That if any white man who shall have purchased from this state at the sales made by commissioners under the acts of the General Assembly, lands reserved for certain Cherokee Indians, may purchase or extinguish the right of the Indians, to whom said lands were reserved, to the land so sold by the authority of this state: any thing in the above recited act to the contrary notwithstanding.

**SEC. 2.** *Be it enacted,* That the penalty incurred by any persons, in buying, renting, leasing or cultivating lands from Indians, which lands such persons had previously purchased from this state, as herein before mentioned, is hereby remitted and discharged.

**SEC. 3.** *Be it enacted,* That nothing in this act contained shall give title to any land to any person, unless such person, his heirs or assigns, shall fully comply with all the terms of the sale made by this act.

## 1824.

An act concerning the lands held under leases from the Tuscarora tribe of Indians.

**SEC. 1.** WHEREAS it is represented to this General Assembly, in behalf of persons holding lands under leases for a long term of years from the Tuscarora tribe of Indians, that they are subject to great inconveniences from their estates being mere chattel interest: For remedy whereof,

**SEC. 2.** *Be it enacted,* That the estates in land now held by certain individuals, under leases for a term of years from the Tuscarora tribe of Indians, made in pursuance of certain acts of the General Assembly of this state, shall hereafter be considered real estate; shall descend to and be divided among the heirs of any intestate, subject to dower and tenancy by curtesy, and other incidents to real estate, and its liability to execution, and its conveyance and devise, shall be governed by the same rules as are now prescribed in the case of real estate held in fee-simple: *Provided,* That nothing herein contained shall be so construed as to give to the individuals holding the said terms for years, a right to enjoy the same for a longer period than is designated in the leases executed by the said Tuscarora Indians, in pursuance of acts of the General Assembly of this state, nor so as to give to said individuals

any right which, by the constitution of this state, is exclusively confined to freeholders. North Carolina—1824.

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### 1828.

An act to amend an act, passed in the year one thousand eight hundred and twenty-three, entitled "an act respecting the reservations of certain Indians in the lands lately acquired by treaty from the Cherokee Indians."

*Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same,* That whenever the Governor for the time being shall have reason to believe that the title set up by any Indian (or person claiming under any Indian) to a reservation under the treaties of one thousand eight hundred and seventeen, and one thousand eight hundred and nineteen, is not a good and valid title, where the land so claimed has been sold under the authority of the State, and the purchaser has been sued, or shall be sued for the same, it shall be his duty to employ counsel to appear in behalf of such purchaser from the state, to defend the title conveyed by the state; any law to the contrary notwithstanding.

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An act respecting certain reservations claimed by Indians in the lands lately acquired by treaty from the Cherokee nation.

*Sec. 1. Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same,* That a commissioner be appointed by the Governor of the state, whose duty it shall be, at some time before the next session of the General Assembly, to meet at some convenient place in the county of Haywood, and inquire into the titles of certain tracts of land claimed by individuals of the Cherokee nation of Indians, under certain provisions made in the treaties concluded between the United States and the said nation, in the year one thousand eight hundred and seventeen, and one thousand eight hundred and nineteen; and that said commissioner be, and he is hereby authorized to contract with any of the said Indians, or with any agent or agents duly authorized by them, for the purchase of the tract or tracts to which the said commissioner shall believe the said Indians, or any of them, shall have a good and valid title, under the provisions of the said treaties, such contract to be made subject to the further ratification of the General Assembly.

*Sec. 2. Be it further enacted,* That it shall be the duty of the said commissioner to ascertain the fact, if practicable,

North Carolina—1828. whether the said Indians, or any of them, have sold their titles to individuals, and report the same to the next General Assembly.

SE. 3. *Be it further enacted*, That it shall be the duty of the said commissioner to report to the General Assembly, at their next session, his proceedings under the foregoing section, and whether the said Indians will consent; if so, an account of each contract he may enter into with the said Indians; and such contract, when ratified by the General Assembly, shall be binding on the state, and not otherwise.

SEC. 4. *And be it further enacted*, That the said commissioner shall be allowed the sum of four dollars for every day he shall be necessarily in the discharge of the duties hereby imposed, estimating every thirty miles he shall travel to and from said place of meeting, as one day.

### 1829.

An act concerning the lands formerly occupied by the Tuscarora tribe of Indians, lying in Bertie county, on the north side of Roanoke river.

1829.

WHEREAS the Tuscarora Indians have for more than a century been the firm and undeviating friends of the white people of this country, insomuch that the state of North Carolina is disposed not only to render to them full and complete justice, but also to exercise towards them that spirit of generosity which their conduct has merited: Therefore,

SEC. 1. *Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same*, That William R. Smith, of Halifax; Simmons J. Baker, of Martin; and William Brittain, of Bertie, be, and they are hereby appointed commissioners for the purpose of advertising and selling, in manner hereinafter directed, the above named tract of land, lying in Bertie county, butted and bounded as follows, to wit: Beginning at the mouth of Quoitsney Swamp; running up the swamp 430 poles to a scrubby oak, near the head of said swamp by a great spring; thence north 10° east 850 poles, to a persimmon tree, on Raquis swamp; thence along the swamp and Pocosin, main course north 57° west 2640 poles, to a hickory on the east side of Falling Run or Deep Creek, and down the various courses of said run to Roanoke River; then down the river to the first station.

SEC. 2. *And be it further enacted*, That the title so to be sold by said commissioners shall be understood to extend only to the reversion of the state in said lands after the expiration

of the leases from the Indians under which they are now held; and that immediately after the ratification of this act, and notice thereof to the commissioners, it shall be their duty to proceed forthwith to advertise in the newspaper most convenient to the premises, and also at five of the most public places in the counties of Bertie, Halifax and Martin, including the court houses in said counties, that a sale of said land, according to the provisions of this act, will take place on Tuesday of the ensuing March term of the Superior Court of Bertie county, that is, on the 17th day of March next; and it shall be the duty of the said commissioners to attend at the aforesaid time and place, and offer, in the court house yard, at public sale, to the highest bidder, the said lands, according to advertisement, subject however to the leases as aforesaid; and the commissioners shall have power to continue or postpone the sale from day to day until the end of that week; and should they, by unavoidable accident or otherwise, be prevented from selling all or any part of said lands during the said week, it shall be their duty to advertise in like manner, for two months next preceeding the following September term of Bertie Court, and to sell at said term, as is heretofore directed, at March term; and said commissioners shall be empowered to put up said lands in such parcels as they may deem most advantageous for selling; and that they shall give the purchasers a credit of twelve months on one half of the purchase money, and a credit of twenty-four months on the other half: *Provided always*, That the purchaser shall deliver to the commissioners bonds, with good and sufficient security, for the same, payable to the Governor of the state.

North Carolina  
1830.

SEC. 3. *And be it further enacted*, That should the commissioners, upon offering said lands as aforesaid, perceive that they were likely to be sacrificed, or to sell for an amount greatly below their real value, it shall be their duty forthwith to discontinue the sale; and that it shall be the duty of the commissioners, after making sale, or if no sale be made, immediately after September next, to make report to the public treasurer of the state of all such proceedings as they may have had under this act, and also to hand over to him all such bonds as they may have taken from purchasers; and it shall be the duty of the secretary of state, upon a certificate from the treasurer of payment of the purchase money, and a certificate from the commissioners of the boundaries of the land so purchased, to grant a title of release from the state of North Carolina to such persons as may be reported purchasers by said commissioners under this act of Assembly.

North Carolina—1829.

**SEC. 4.** *And be it further enacted,* That it shall be the duty of the public treasurer to collect the money on said bonds when they shall become due, and hold the same subject to the order of the Tuscarora tribe of Indians; and whenever such order shall be presented, properly and duly authenticated, by said tribe or nation of Indians, it shall be his duty to pay the same over accordingly: *Provided always,* that upon paying over such moneys, the public treasurer shall take from said Indians, or their properly authorized agent or agents, a full and complete release of all such claim or pretence of title, as they now make, or ever may have to the aforesaid tract of land.

**SEC. 5.** *And be it further enacted,* That the commissioners shall be allowed each the sum of three dollars for every day they shall necessarily be employed in examining said lands, or in attending to the sale of the same, to be paid out of the funds arising from the sales.

**SEC. 6.** *Be it further enacted,* That if it should appear at any time hereafter that the said Indians have parted with their claims, or contracted for the same, so that in fact the benefit of the sale would go to some stranger, then the benefit of the sale shall, agreeable to the provisions of this act, enure to the state.

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### SOUTH CAROLINA.—1739—1812.

[From Brevard's Digest of the Laws of South Carolina. Vol. 1. Title 96.—  
*Indians.*"]

South Carolina—1739.

**SEC. 1.** FORASMUCH as the practice of purchasing lands from Indians may prove of very dangerous consequence to the peace and safety of this province, such purchases being generally obtained from Indians by unfair representations, fraud and circumvention, or by making them gifts or presents of little value, by which practices, great resentments and animosities have been created amongst the Indians towards the inhabitants of this province: and forasmuch as such practices tend to the manifest prejudice of his majesty's just right *and title to the soil* of this province, vested in his majesty by the surrender of the late lords proprietors, made in pursuance of an act of parliament of Great Britain, and will also tend to the diminution of his majesty's quit rents.

**SEC. 2.** *Be it therefore enacted,* That no person or persons whatever shall buy, bargain or treat for, or by any way or means whatever, procure, hold, obtain or get any lands,

tenements, or hereditaments whatever, or any right or title, or pretended right, interest or title of or from any Indian or Indians whatever in or to any lands, tenements or hereditaments within this province, without a grant or license for that purpose from his majesty, his heirs, or successors, or from the governor and commander in chief of this province, for the time being, with the advice and consent of his majesty's honourable council, upon pain that he, she or they who shall so bargain, buy or by any way or means procure, obtain or get, or have any lands, tenements or hereditaments, or any right or title, or pretended right, interest or title, or shall take a promise, grant or covenant to have any lands, tenements or hereditaments, or any right or title, or pretended right, or title of or from any Indian or Indians, of, in or to any lands, tenements or hereditaments within this province, shall forfeit double the value of such lands, tenements or hereditaments so bargained, promised, covenanted, granted, procured, treated for, obtained or got contrary to the form and intent of this act; one half of which forfeiture shall be to the use of his majesty, his heirs and successors for the support of this government, and the other half to the person or persons who shall inform and sue for the same, to be recovered in any court of record in this province by action of debt, bill, plaint, or information, where in no essoin, privilege, protection, or wager of law, *non vult ulterius prosequi*, injunction, shall be admitted or allowed, nor any more than one imparlance.

South Carolina—1790.

SEC. 3. All gifts, grants, bargains, contracts, sales, conveyances, covenants, despositions and alienations whatsoever of any lands, tenements, or hereditaments whatsoever within this province, from, by or under any Indian or Indians made or to be made to any person or persons whatever, contrary to the form and meaning of this act, shall be null and void and of no effect.

SEC. 4. *Provided* now and at all times, that this act shall not be construed nor intended to impeach any purchase made or title derived from any Indians by the late lords proprietors of this province, or their deputies before the surrender of the soil of this province to his majesty, nor to impeach any purchase made or title derived from any Indians by any governor of this province, or by any other person having authority for that purpose from his majesty since the said surrender of the soil of this province to his majesty:

S. c. 5. *And provided also*, That the purchasers of any lands from Indians for any valuable consideration actually and *bona fide* paid since the said surrender of the lords proprie-



South Carol.  
no—1759

tors to his majesty shall be deemed creditors for such consideration; and shall on proof thereof be repaid the same by the public of this province.

SEC. 6. This act and every part thereof shall be deemed and taken to be a public act, in all courts of record in this province; of which all the judges and justices are to take notice without specially pleading the same.

1786.

SEC. 7. *Be it enacted*, That all the land lying and being within the chartered boundaries of this state, to the north, and north-west of a line running from the top of the Oconnie mountain; north-east, till it intersects the North-Carolina boundary, and the top of the said mountain; south-west, till it intersects the river Toogooloo, is hereby declared to be reserved to the Cherokee nation of Indians, for their present use and occupation; and all grants, sales, or conveyances, which hath heretofore, or shall hereafter be obtained within the chartered boundaries of this state, and to the north or north-west of the before recited temporary line, shall be. and the same is hereby declared to be null and void, any law to the contrary notwithstanding.

1808.

SEC. 8. *Whereas* it is expedient that the Catawba Indians should have the power to grant and make leases for life or lives, as well as for terms of years, of the lands vested in them by the laws of this state:

SEC. 9. *Be it therefore enacted*, That from and immediately after the passing of this act, it shall and may be lawful for the Catawba Indians to grant and make to any person or persons, any lease or leases, for life or lives or term of years, of any of the lands vested in them by the laws of this state: *Provided*, That no lease shall exceed the term of ninety-nine years, or three lives in being.

SEC. 10. *And be it further enacted*, That the governor for the time being shall be authorized, and he is hereby required to appoint five fit and proper persons to superintend the leasing of the lands of the Catawba Indians in manner aforesaid; and no lease of the lands of the Catawba Indians hereafter to be made, whether for life or lives, or terms of years, shall be held or deemed as valid and good in law, unless the same be witnessed by a majority of the said superintendents at the time of making thereof, and signed and sealed by at least four of the head men or chiefs of the said Catawba Indians: *Provided*, That an annual rent be reserved as a compensation for such lease.

SEC. 11. *And be it enacted*, That the said superintendents shall be commissioned for the purposes aforesaid, for seven

years; which commission shall be recorded in the office of South Carolina secretary of state; and an office copy thereof shall be taken and received as good evidence in any courts of law or equity within this state as the original would be if produced in any case wherein it might be necessary to produce such original commission. na—1808;

SEC. 12. *And be it further enacted*, That all acts and clauses of acts or resolutions repugnant hereto, be, and the same are hereby repealed.

SEC. 13. *Whereas* many inconveniences have been experienced by the lessees of the Catawba Indians, as well as by the Indians themselves, under the operation of an act passed in the year of our Lord one thousand eight hundred and eight; which act ordains, "That no payments shall at any time be made for such lease or any part thereof, for more than three years rent in advance, and that no payments shall be deemed or held to be valid, unless the same be made conformably to this act, and receipts therefor given by such of the chiefs of the nation as usually transact their affairs, and by a majority of the said superintendents: 1812.

SEC. 14. *And be it further enacted*, That no payments shall be hereafter made for such lease or any part thereof, for more than seven years rent in advance, and that no payments shall be held or deemed valid, unless receipts therefor be given and attested by one of the said superintendents.

SEC. 15. *And be it further enacted*, That a lease for three years, or ninety nine years, of the said Catawba lands, shall be, and the same is hereby declared to be a qualification equivalent to a freehold, in all cases where a freehold is not required by the constitution of this state, or of the United States.

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### 1815.

An act to authorize and empower the superintendents of the Catawba Indians to institute actions for trespasses on their land, and for other purposes therein mentioned.

WHEREAS certain persons now hold possession of the lands belonging to the Catawba Indians, without obtaining a lease for the same from the head men or chiefs of the nation, agreeably to the act of assembly passed the fifteenth day of December, one thousand eight hundred and eight, empowering the said Indians to lease the lands vested in them, and there is no power or authority in any person or persons to institute an action or actions at law to put such persons as hold their lands without a lease, out of the possession thereof: For remedy whereof, 1815.

South Carolina—1815.

*Be it enacted by the honourable the Senate and House of Representatives, now met and sitting in general assembly, and by the authority of the same,* That from and immediately after the passing of this act, the superintendents now appointed, or that may be hereafter appointed by the governor of this state, or a majority of them shall be, and are hereby authorized and empowered, in their own names, or in the names of a majority of them, as agents, to commence and prosecute an action or actions of trespass to try titles to the lands claimed by and vested in the said Indians, that is now or may hereafter be held in possession by any person or persons, without a lease from the head men or chiefs of the said nation of Indians, in pursuance of the act of the general assembly aforesaid: and also in like manner, an action or actions of *quare clausum fregit*, for trespasses committed on the said lands; and also actions for injuries done to the personal property of the said Indians; and the damages recovered in any action to try titles, or in any action *quare clausum fregit*, or action for injury done to the personal property of the said Indians, shall be collected by the said superintendents, for the benefit of said Indians.

*And be it enacted by the authority aforesaid,* That the said superintendents, or a majority of them, shall have power, in the same manner as they are authorized to bring actions, to make distress for arrearages of rent now due, or that may hereafter become due, or bring an action or actions to recover the same, in any court having jurisdiction.

*And be it further enacted by the authority aforesaid,* That this shall be deemed and taken as a public act, and judicially noticed as such, without special pleading and liberally construed for carrying the purposes aforesaid into effect.

### 1816.

An act to confirm the treaty between the state of South-Carolina and the Cherokee Indians, relinquishing the title of the said nation of Cherokee Indians to that part of their territory lying within the chartered limits of this state, for appointing commissioners to resurvey and lay out the said lands, and for other purposes therein mentioned.

1816.

WHEREAS the legislature of the state of South Carolina, on the fourteenth day of December, in the year of our Lord one thousand eight hundred and fifteen, among other things, did, Resolve, that the governor be authorized and requested to appoint one or more agents, with full powers to negotiate for, and extinguish, in conjunction with the agents on the part of the government of the United States, the Cherokee title to that part of their territory lying within the chartered limits of

this state: And whereas, his excellency David R. Williams, South Carolina governor of the said state, did make an application to the president of the United States to extinguish the claim of the said Cherokee nation of Indians to that part of their lands which lie within the boundaries of the said state, as lately established and agreed upon between the said state of South Carolina and the state of North Carolina: And whereas, in pursuance of the above recited powers, a treaty was concluded at the city of Washington, on the twenty-second day of March, in the year of our Lord one thousand eight hundred and sixteen, whereby the said Cherokee nation did cede to the said state of South Carolina, all that tract of country described by the following lines, that is to say: Beginning at the east branch of the Chatuga river, where the boundary line of the Cherokee nation crosses the same, running thence with the said boundary line to a rock on the Blue Ridge, where the boundary crosses the same, and which rock has been lately established as a corner to the states of North and South Carolina, running thence south sixty-eight and a quarter degrees west, twenty miles and thirty-two chains, to a rock on the Chatuga river, at the thirty-fifth degree of north latitude, another corner of the said boundary agreed upon by the states of North and South Carolina, thence down and with the Chatuga river to the beginning: And whereas the said Cherokee nation did reserve several tracts of land, each to contain six hundred and forty acres, within the said limits, that is to say; one tract to Samuel Adair, an improvement on the Village creek, waters of Toogaloo river; one tract to Sally Nicholson, an improvement on the waters of Keowee river; one tract to Nancy Stare, an improvement on the Village creek, adjoining to Samuel Adair's improvement; one other tract to Walter Adair, on Chatuga river, at a place called Chatuga Old Town; one other tract to Samuel Martin, on the waters of Keowee river:

*Be it therefore enacted by the honourable the Senate and House of Representatives, now met and sitting in General Assembly, and by the authority of the same,* That the said treaty, and every article and clause thereof, be, and the same is hereby accepted, approved and confirmed; and the boundaries therein and thereby agreed upon, are hereby confirmed and established, and shall forever be the boundary lines between the said state of South Carolina and the said Cherokee nation.

*And be it further enacted by the authority aforesaid,* That an authenticated copy of the said treaty shall be duly

South Carolina—1816. recorded and kept in the office of the secretary of this state at Columbia.

*And be it further enacted by the authority aforesaid,* That all that portion or tract of land contained within the limits described in and by the said treaty, shall be taken and regarded to all intents and purposes, as forming a part of the judicial district of Pendleton, and the lines in the said treaty mentioned, shall from henceforth form part of the boundary of the said judicial district of Pendleton.

*And be it further enacted by the authority aforesaid,* That all free white persons, being citizens of the United States, heretofore residing, and continuing to have his or her permanent residence in the territory ceded by the said treaty to this state, shall be entitled to, and possess all the rights, immunities and advantages which the citizens of the present district of Pendleton now do, or shall hereafter possess or enjoy, and be in like manner subject to the payment of taxes, and liable to militia, and all other duties, and subject to all laws to which the citizens of the said district of Pendleton now are, or may hereafter be subjected or made liable to, under the laws of this state.

*And be it further enacted by the authority aforesaid,* That the governor be and he is hereby authorized and empowered to nominate and appoint three commissioners to make an actual survey and demarcation of the lines and boundaries mentioned and contained in the said treaty, as circumscribing the lands ceded to this state by the said treaty, and that the said commissioners shall cause and procure all the lands mentioned within the said treaty aforesaid, to be surveyed and plated off into tracts containing not less than one hundred acres, nor more than five hundred acres; and that they return a plat of the said territory so ceded as aforesaid, to the legislature of this state at their next meeting; and for that purpose, the said commissioners are hereby authorized and empowered to employ one or more surveyor or surveyors, if more than one should by them be thought necessary, to complete the said survey before the next meeting of the legislature.

*And be it further enacted by the authority aforesaid,* That the expenses to be incurred in making the said survey, and all other incidental expenses, shall be paid by the governor, out of the contingent fund.

*And be it further enacted by the authority aforesaid,* That for the performance of militia and patrol duty, the inhabitants of said ceded territory be added to the eighteenth and nineteenth regiments of militia, the commanders of which are hereby authorized to divide the said territory into companies.

**GEORGIA.—1774.**

[From Prince's Digest of the Laws of Georgia.]

**WHEREAS** it has been represented, that some Indians in amity with this province have been barbarously murdered, to the great scandal of society, and the danger of involving this province in a bloody and expensive war; and there is reason to believe that several ill-disposed persons have not considered such inhuman actions in a proper light, but being influenced by the ill-grounded prejudices which ignorant minds are apt to conceive against persons differing in colour from themselves, and, unaware of the consequences, have rather looked on those murders as meritorious: To discourage therefore as much as may be such unchristianlike, and cruel practices, and to explain and set forth the great danger thereof,

**SEC. 1.** *It is declared,* That to murder any free Indian, in amity with this province, is by the law of the land as penal, to all intents and purposes whatsoever, as to murder any white person.

**SEC. 2.** And to the end that all persons may know the consequence of rescuing any prisoner committed for the murder of any free Indian in amity with this province, *It is also declared,* That, by the law of the land, any person rescuing any such prisoner so committed is guilty of felony.

**1780.**

Extract from "an act for the more speedy and effectual settling and strengthening this State."

[From Prince's Digest of the laws of Georgia.]

**"WHEREAS** certain persons, citizens of this and the state of South Carolina, and friends to the independency of the same, claim, that the lands in the county of Wilkes were originally given up and ceded to the government of Great Britain by the Creek and Cherokee Indians, in satisfaction and discharge of certain debts and arrears due by the said Indians to the said certain persons commonly called Indian traders:

**"SEC. 23.** *Be it therefore enacted,* That any person having or pretending to have any such claim, do lay their claims and accounts before this or some future house of assembly, to be examined; and whatever claims shall be found just and proper, and due to the friends of America, shall be paid by treasury certificates for the amount, payable within two, three, and four years, and carrying six per cent. interest.

**"SEC. 25.** This shall be deemed a public act, and shall be given at any time specially in evidence."

1787.

Extract from An act for suppressing the violences of the Indians.

Georgia,  
1787.

*“Be it enacted by the Representatives of the Freemen of the state of Georgia, in General Assembly met, and by the authority of the same, That from and immediately after the passing of this act, the Creek Indians shall be considered as without the protection of this state; and it shall be lawful for the government and people of the same to put to death or capture the said Indians wheresoever they may be found within the limits of this state, except such tribes of the said Indians which have not, or shall not hereafter, commit hostilities against the people of this state, of which the commanding officer shall judge.*

*“SEC. 2. And be it further enacted, That fifteen hundred men be enlisted as soon as may be, to serve until peace is established with the Indians, to be formed into two regiments, consisting of seven hundred and fifty men each; each regiment to be divided into ten companies; and that a colonel, lieutenant colonel and major be appointed to a regiment; and a captain, two lieutenants, four sergeants, and one drummer and one fifer to a company, and to act for the defence of the state, and shall be subject to the orders of the Governor for the time being, and all other their superior officers: *Provided, That, at the time of enlistment each man shall take and subscribe the following oath: “I, A. B. acknowledge and solemnly swear that I have voluntarily enlisted in the ——— company of the state troops of Georgia, to serve until peace shall be established with the Indians, and that I will be faithful to the state, and obedient to my officers.”**

*“SEC. 8. And whereas, it may so happen, that certain persons have run and surveyed lands without the limits of the respective counties of this State, as established by law, and for which grants may have been surreptitiously claimed: *Be it enacted, That all lands without the limits aforesaid are hereby declared to be vacant, any warrant, survey, or grant, to the contrary notwithstanding; and that a tract of land laying and comprehended within a line to be drawn from the most southern stream of the South Fork of Oconee, commonly called the Appalachee, in the nearest direction to the head source of the main stream of Flint river, down the said river including all the islands of the same, to the confluence of the Chatahouchee and Flint river; thence eastwardly, to the head source of St. Mary’s, to the confluence of the rivers Oconee and Oakmulgee; and thence, up the river Oconee, to**

head or source of the most northern stream of the Appala-Georgia,  
chee, or South Fork, where this line begins, shall be reserved, <sup>1787.</sup>  
and, at the cessation of the hostilities with the Indians, appro-  
priated to and for the allowances and bounties of and for the  
said officers and troops; and no warrant, survey, or grant,  
shall be obtained for any part of the lands within the said  
reserve, by any person whatever, until such hostilities shall  
cease; and all such officers or troops shall have a preference  
in laying their bounties within the said reserve.

*SEC. 9. And be it also enacted,* That the said bounties  
shall not interfere with a certain quantity of land in the vicini-  
ty of those Indian towns which are, and shall continue to be,  
friendly, which quantity shall be determined by a future le-  
gislation."

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### 1796.

An act to provide a fund in aid of an act of the last session of the Legis-  
lature, entitled "An act for appropriating a part of the unlocated territory  
of this state, for the payment of the late state troops, and for other pur-  
poses therein mentioned."

WHEREAS, the executive authority of the United States has <sup>1796.</sup>  
authorized a treaty to be held for the extinguishment of the  
Indian claims to certain lands within the limits of the state of  
Georgia, agreeably to the act of the last Legislature, entitled  
"An act for appropriating part of the unlocated territory of  
this state for the payment of the late state troops, and for  
other purposes therein mentioned," which treaty the state is  
desirous of furthering to the utmost of her power and ability,

*SEC. 1. Be it enacted, therefore, by the Senate and House  
of Representatives, of the state of Georgia, in General As-  
sembly met,* That the sum of fifteen thousand six hundred  
and fifty-six dollars, nineteen cents of the stock of the United  
States, the property of this state, and funded in the name of  
George Jones, together with the interest due, or to grow due,  
on the six and three per cent. proportions of the said stock,  
be, and the same is and are hereby, appropriated, in aid of  
the sum of twenty thousand dollars appropriated by the afore-  
said act, entitled "An act for appropriating a part of the unlo-  
cated territory of this state for the payment of the late state  
troops, and for other purposes therein mentioned," for carry-  
ing a treaty with the Creek Indians into execution, and for  
extinguishing the said Indian rights to the territory mentioned,  
and contemplated to be extinguished; and his excellency is  
hereby empowered to cause the same to be assigned and set



Georgia,  
1796.

over on the books of the treasurer, or on the books of the commissioner of loans of the United States, for this state, for this special purpose, and for no other.

### 1802.

An act to ratify and confirm certain articles of agreement and cession, entered into on the 24th day of April, 1802, between the commissioners of the state of Georgia on the one part, and the commissioners of the United States on the other part.

1802.

WHEREAS the commissioners of the state of Georgia, to wit: James Jackson, Abraham Baldwin, and John Milledge, duly authorized and appointed by, and on the part and behalf of, the said state of Georgia, and the commissioners of the United States, James Madison, Albert Gallatin, and Levi Lincoln, duly authorized and appointed by and on the part and behalf of the said United States, to make an amicable settlement of limits between the two sovereignties, after a due examination of their respective powers, did on the 24th day of April last, enter into a deed of articles and mutual cession, in the words following, to wit:

“Articles of agreement and cession between the United States and the state of Georgia.”

“Articles of agreement and cession entered into on the twenty-fourth day of April, one thousand eight hundred and two, between the commissioners appointed on the part of the United States, by virtue of an act, entitled “An act for an amicable settlement of limits with the state of Georgia, and authorizing the establishment of a government in the Mississippi territory,” and of the act supplemental to the last mentioned act, on the one part; and the commissioners appointed on the part of the state of Georgia, by virtue of an act, entitled “An act to carry the twenty-third section of the first article of the constitution into effect,” and of the act to amend the last mentioned act, on the other part.

Georgia cedes territory west of Chatahouchee and of a certain line.

“*Art. 1.* The state of Georgia cedes to the United States all the right, title, and claim, which the said state has to the jurisdiction and soil of the lands situated within the boundaries of the United States, south of the state of Tennessee, and west of a line beginning on the western bank of the Chatahouchee river, where the same crosses the boundary line between the United States and Spain; running thence up the said river Chatahouchee, and along the western bank thereof to the great bend thereof, next above the place where a certain creek or river, called “Uchee,” (being the first considerable stream on the western side, above the Cussetas and Coweta towns,) emp-

ties into the said Chatahouchee river; thence in a direct line to Nickajack, on the Tennessee river; thence crossing the said last mentioned river, and thence running up the said Tennessee river, and along the western bank thereof, to the southern boundary line of the state of Tennessee; upon the following express conditions, and subject thereto, that is to say:

*“First.”* That out of the first net proceeds of the sales of the lands thus ceded, which net proceeds shall be estimated by deducting from the gross amount of sales, the expenses incurred in surveying, and incident to the sale, the United States shall pay, at their treasury, one million two hundred and fifty thousand dollars to the state of Georgia, as a consideration for the expenses incurred by the said state, in relation to the said territory; and that for the better securing as prompt a payment of the said sum as is practicable, a land office for the disposition of the vacant lands thus ceded, to which the Indian title has been, or may hereafter be, extinguished, shall be opened within a twelvemonth after the assent of the state of Georgia to this agreement, as hereafter stated, shall have been declared.

Georgia,  
1802.

Conditions.

\$1,250,000 to be paid by U. States out of net proceeds of sales of ceded lands.

*“Secondly.”* That all persons who, on the twenty-seventh day of October, one thousand seven hundred and ninety-five, were actual settlers within the territory thus ceded, shall be confirmed in all the grants legally and fully executed prior to that day, by the former British government of West Florida, or by the government of Spain, and in the claims which may be derived from any actual survey or settlement made under the act of the state of Georgia, entitled “An act for laying out a district of land situate on the river Mississippi, and within the bounds of this state, into a county, to be called “Bourbon,” passed the seventh day of February, one thousand seven hundred and eighty-five.

Certain settlers confirmed in their grants and in certain claims.

*“Thirdly.”* That all the lands ceded by this agreement to the United States shall, after satisfying the abovementioned payment of one million two hundred and fifty thousand dollars to the state of Georgia, and the grants recognized by the preceding conditions, be considered as a common fund for the use and benefit of the United States, Georgia included, and shall be faithfully disposed of for that purpose, and for no other use or purpose whatever: provided, however, that the United States for the period and until the end of one year after the assent of Georgia to the boundary established by this agreement shall have been declared, may, in such manner as not to interfere with the abovementioned payment to the state of Georgia, nor with the grants herein before recognized,

Lands thus ceded to be a common fund:

Proviso.

U. S. may dispose of, &c. not exceeding five millions of acres for satisfying claims.

dispose of, or appropriate a portion of the said lands, not exceeding five millions of acres, or the proceeds of the said five millions of acres, or of any part thereof, for the purpose of satisfying, quieting or compensating, for any claims other than those herein before recognized, which may be made to the said lands or to any part thereof. It being fully understood, that if an act of congress, making such disposition or appropriation, shall not be passed into a law, within the above-

Appropriation to be made within one year, or be null, &c.

mentioned period of one year, the United States shall not be at liberty thereafter to cede any part of the said lands on account of claims which may be laid to the same, other than those recognized by the preceding condition, nor to compensate for the same; and in case of any such cession or compensation, the present cession of Georgia to the right of soil over the lands thus ceded or compensated for shall be considered as null and void; and the lands thus ceded or compensated for shall revert to the state of Georgia.

Indian title to lands in Georgia to be extinguished by the U. S.

"*Fourthly.* That the United States shall, at their own expense, extinguish, for the use of Georgia, as early as the same can be peaceably obtained, on reasonable terms, the Indian title to the county of Talasee, to the lands left out by the line drawn with the Creeks, in the year one thousand seven hundred and ninety-eight, which had been previously granted by the state of Georgia; both which tracts had formerly been yielded by the Indians; and to the lands within the forks of Oconee and Oakmulgee rivers; for which several objects, the president of the United States has directed that a treaty should be immediately held with the Creeks; and that the United States shall, in the same manner, also extinguish the Indian title to all the other lands within the state of Georgia.

Territory to form a state and to be admitted into the Union.

"*Fifthly.* That the territory thus ceded shall form a state, and be admitted as such into the union, as soon as it shall contain sixty thousand free inhabitants, or at an earlier period if congress shall think it expedient, on the same conditions and restrictions, with the same privileges, and in the same manner, as is provided in the ordinance of congress of the 13th day of July, one thousand seven hundred and eighty-seven, for the government of the Western Territory of the United States, which ordinance shall, in all its parts, extend to the territory contained in the present act of cession, that article only excepted which forbids slavery.

Cession accepted by U. S.

"*Art. 2.* The United States accept the cession abovementioned, and on the conditions therein expressed; and they cede to the state of Georgia whatever claim, right, or title, they may have to the jurisdiction or soil of any lands, lying

within the United States, and out of the proper boundaries of U. S. cede to any other state, and situated south of the southern boundaries of Georgia certain lands east of the line of the line and east of the boundary line herein above described, as the abovementioned eastern boundary of the territory ceded by Georgia to the United States.

"*Art. 3.* The present act of cession and agreement shall be in full force as soon as the legislature of Georgia shall have given its assent to the boundaries of this cession; provided that the said assent shall be given within six months after the date of these presents, and provided that congress shall not, during the same period of six months, repeal so much of any former law as authorizes this agreement, and renders it binding and conclusive on the United States. But if either the assent of Georgia shall not be thus given, or if the law of the United States shall be thus repealed within the said period of six months, then, and in either case, these presents shall become null and void.

"Signed, &c.

JAMES JACKSON,  
ABRAHAM BALDWIN,  
JOHN MILLEDGE,

JAMES MADISON,  
ALBERT GALLATIN,  
LEVI LINCOLN."

*Be it enacted by the senate and house of representatives of the state of Georgia, in general assembly met, and by the authority thereof,* That the said deed or articles of agreement and cession be, and the same hereby is and are fully, absolutely, and amply, ratified and confirmed in all its parts; and hereby is and are declared to be binding and conclusive on the said state, her government and citizens, forever.

1811.

Resolution of the Legislature of Georgia.

*In Senate, 18th November, 1811.*

WHEREAS disputes have frequently arisen between the frontier inhabitants of Jackson and Franklin counties and the Cherokee nation of Indians, which might in a great measure be prevented by having the Chatahuchee river made the line between this state and the said Cherokee nation of Indians, and there being good reason to believe that the said Indians on proper application being made, would dispose of said lands,

*Be it therefore resolved,* That his excellency the governor be, and he is hereby authorized and requested, to appoint not exceeding three persons as commissioners on the part of this state, to make application to the Cherokee nation of Indians through the agency of the United States, for the purpose of

Georgia,  
1811.

obtaining the consent of said Indians to a disposition of the land lying within the following boundary, viz: beginning where the line between this state and the Creek nation of Indians leaves the Appalachian river; thence on the said line to where the same crosses the Chatahucnee river; thence up the aforesaid Chatahucnee, to where Choatee river intersects the same, from thence in a straight direction so as to strike the Tugalo river, where the trading road from the Ocuncy mountain near the mouth of Warwoman's creek crosses the same, or so much thereof as the said nation of Indians may be disposed to part with.

*Approved, 30th November, 1811.*

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**1814.**

Resolution of the Legislature of Georgia.

*In the House of Representatives, 12th Nov. 1814.*

1814.

WHEREAS many of the citizens of this state without regard to existing treaties between the friendly Indians and the United States, and contrary to the interest and good policy of this state, have gone and frequently are going over and settling and cultivating the lands allotted to the friendly Indians for their hunting ground, by which means the state is not only deprived of their services in the army, but considerable feuds are engendered between us and our friendly neighboring Indians,

Resolved therefore by the Senate and House of Representatives of the state of Georgia in General Assembly met, that his excellency the governor be; and he is hereby requested to take the necessary means to have all intruders removed off the Indian lands and that proper steps be taken to prevent future aggressions.

*Approved, 19th November, 1814.*

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**1818.**

Resolution of the Legislature of Georgia.

*In the House of Representatives, 26th Nov. 1818.*

1818.

Resolved, That his excellency the governor be requested to appoint a commissioner or commissioners, to join such as may be appointed by the agent of Indian Affairs for the Cherokee nation, to have run the line according to the true intent and meaning of the treaty made with the Cherokee nation of Indians, by and between General Andrew Jackson and J. M'Minn, governor of the state of Tennessee, and General David Meriwether, from the mouth of Soque creek, to such place or point as may meet the true intent of the aforesaid treaty.

*Approved, 9th December, 1818.*

1821.

Resolution of the Legislature of Georgia.

*House of Representatives, 20th Dec. 1821.*

WHEREAS, in and by treaties made with the Cherokee Indians, to wit: one concluded at the Cherokee agency, on the 8th day of July, 1817, and one held by the Honourable John C. Calhoun, at the city of Washington, on the 27th day of February, 1819—certain reserves were made for the benefit of particular Indians, or descendants of Indian families, many of which are now in the possession of persons claiming to be those in whose favour said reserves were made: *And whereas*, the legislature of 1818, believing said reserves to be unjust and contrary to any right which the United States had to make the same, did, in an act passed on the 15th of December, 1818, for disposing of the territory acquired under the aforementioned treaties, direct the said territory should be surveyed and subjected to lottery, whereby many of the good citizens who drew land in the said lottery, authorized by the the act aforesaid, became entitled to lots within the said reserves, and did receive for the same, legal and regular grants from the state of Georgia: *And whereas*, from the premises a conflict is now pending in some of the courts of justice in this state, between the said Indians and the citizens of Georgia, on the treaties and grants aforesaid, which is by no means calculated to secure and promote those good relations which ought to subsist between the state and general government. To the end, therefore, that the same may be brought to a final and friendly adjustment.

Georgia,  
1821.

*Resolved*, That his excellency the governor, be, and he is hereby requested, to open a correspondence with the President of the United States, with a view, if possible, to procure through him or the congress a satisfaction, in money or otherwise, to be made to said Indians in lieu of said reserves, that the said reserves may go to the citizens of this state, pursuant to the disposition made by the law aforesaid.

*Resolved*, That his excellency the governor furnish our senators and representatives in Congress, with a copy of these resolutions, and request their attention to said business, and co-operation with the governor to procure an adjustment of said difference, in such manner as will place our citizens in the possession of the land obtained, under the title of the state aforesaid.

*Approved, Dec. 22d, 1821.*

*House of Representatives, 19th Dec. 1821.*

Georgia,  
1821.

The legislature of the state of Georgia having by a memorial, remonstrance, and protest, adopted at their annual session in 1819, expressed their views upon the subject of a compliance on the part of the United States with articles of treaty and cession concluded in the year 1802; and an appropriation having been made by Congress, for the purpose of holding treaties with the Creek and Cherokee nations of Indians, for the acquisition of territory for the use of Georgia, a part of which appropriation remains unapplied to the objects for which it was intended. *And whereas*, the solemnity of the contract between the United States and the state of Georgia, the consideration upon which it was founded, the interest of our citizens and the growth and prosperity of our institutions, all require a further extinction of Indian title:

*Be it therefore resolved by the Senate and House of Representatives of the state of Georgia in general assembly met*, That his excellency the governor be requested to bring the subject of said memorial before the President and Congress of the United States, to the end that provision may be made for holding a treaty with said Cherokee nation of Indians.

And many of the citizens of this state having claims of long standing against said nation, for spoliations heretofore committed, and for which indemnity has been promised in the several treaties of Augusta, Hopewell, Halston, and Philadelphia:

*Be it further resolved*, That if commissioners be appointed on the part of the United States to treat for territory, that his excellency the governor be, and he is hereby authorized, to appoint two commissioners on the part of the state, to be present at said treaty, and under the authority of the President, to associate with such commissioners as he may appoint; and that they demand satisfaction of all claims aforesaid, and restoration of all property in said nation which can be identified as belonging to the citizens of this state.

*And be it further resolved*, That our Senators in Congress be instructed, and our Representatives requested, to use their best exertions in effecting the objects of these resolutions, and that a copy be sent to each of them, and to the President of the United States.

*Approved, 22d December, 1821.*

1827.

Extract from an act to divide the counties of Carroll and Coweta into electoral districts, and to add a certain part of the Cherokee nation to the counties of Carroll and De Kalb, for the purpose of giving criminal jurisdiction to the same.

"SEC. 8. *And be it further enacted*, That all that portion <sup>Georgia,</sup> of the Cherokee nation, lying within the following lines, <sup>1827.</sup> shall be attached to and considered as a part of the county of Carroll, for the purpose of giving criminal jurisdiction to said county of Carroll, under the several laws heretofore passed for the trial of offences committed in the Cherokee or Indian nation, to wit: Beginning at Buzzard Roost, and running thence on the old path that leads to one Sally Hughes; thence on the main public road to the Georgia line dividing Georgia from Alabama; and thence on that line to where the same intersects the county line of Carroll.

"SEC. 9. *And be it further enacted by the authority aforesaid*, That all that portion of the unlocated territory of this state, lying north of the aforesaid line, and south of the Hightower Trail, be added to the county of De Kalb, for the purposes of criminal jurisdiction, and that all crimes and misdemeanors committed on any part of the aforesaid territory, by or against any citizen of this state, or of the United States, shall be cognizable and and triable in the aforesaid county of De Kalb.

"SEC. 10. *And be it further enacted*, That all laws or parts of laws militating against this act, be and the same are hereby repealed."

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Resolution of the Legislature of Georgia.

*In Senate, Dec. 19th 1827.*

*Resolved*, That the United States in failing to procure the <sup>1827.</sup> lands in controversy "as early" as the same could be done upon "practicable" and "reasonable terms," have palpably violated their contract with Georgia, and are now bound at all hazards, and without regard to terms, to procure said lands for the use of Georgia.

*Resolved*, That the policy which has been pursued by the United States towards the Cherokee Indians, has not been in good faith toward Georgia; and that as all the difficulties which now exist to an extinguishment of the Indian title, have resulted alone from the acts and policy of the United States, it would be unjust and dishonourable in them to take shelter behind those difficulties.



Georgia,  
1827.

*Resolved*, That all the lands appropriated and unappropriated, which lie within the conventional limits of Georgia, belong to her absolutely; that the title is in her; that the Indians are tenants at her will, and that she may at any time she pleases, determine that tenancy, by taking possession of the premises—and that Georgia has the right to extend her authority and laws over her whole territory, and to coerce obedience to them from all descriptions of people, be them white, red, or black, who may reside within her limits.

*Resolved*, That Georgia entertains for the general government so high a regard and is so solicitous to do no act that can disturb or tend to disturb the public tranquillity, that she will not attempt to improve her rights by violence until all other means of redress fail.

*Resolved*, That to avoid the catastrophe which none would more sincerely deplore than ourselves, we make this solemn appeal to the President of the United States, that he take such steps as are usual, and as he may deem expedient and proper for the purpose of, and preparatory to the holding of a treaty with the Cherokee Indians, the object of which shall be, the extinguishment of their title to all of the lands now in their possession, within the limits of Georgia.

*Resolved*, That if such treaty be held, the President be respectfully requested to instruct the commissioners to lay a copy of this report before the Indians in convention, with such comments as may be considered just and proper, upon the nature and extent of the Georgia title to the lands in controversy, and the probable consequences which will result from a continued refusal upon the part of the Indians to part with those lands.

*Resolved*, That his excellency the Governor be requested to forward a copy of the foregoing report and resolutions to the President of the United States, and one to our senators and representatives in Congress, with a request that they use their best exertions to obtain the object therein expressed.

*Resolved*, That the late proceedings of the Cherokee Indians, in framing a constitution for their nation, and preparing to establish a government independent of Georgia, is inconsistent with the rights of said State, and therefore not recognized by this government, and ought to be decidedly, discountenanced by the general government.

*Approved, Dec. 27th, 1827.*

1828.

An act to protect the frontier settlements of this state from the intrusion of the Indians of the Creek nation.

WHEREAS many inconveniences and injuries result to the citizens of this state, in the frontier counties, from the unlimited intercourse of the Indians of said nation, by disturbing the peace and tranquillity, and destroying and purloining the property of its citizens—For remedy whereof, Georgia,  
1828.

*Be it enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met, and it is hereby enacted by the authority aforesaid,*, That from and after the passage of this act, it shall not be lawful for any Indian or descendant of an Indian, belonging to the Creek nation of Indians, to cross the river Chatahouchee, and enter upon the territory of said state, under any pretext whatever, except they have and can shew a written permit from the United States' agent of said nation, specifying their particular business; which permit shall not exceed ten days duration.

SEC. 2. *And be it further enacted by the authority aforesaid,* That whenever any Indian of said nation shall be found within the limits aforesaid, it shall and may be lawful for any Judge of the Superior courts of this state, any Justice of the Inferior courts or Justice of Peace, on the information on oath of any citizen of said state, that any Indian or Indians as aforesaid, are strolling over the territory of said state, in any of the frontier counties, to issue their warrant to the sheriff, his deputy, or any constable of said county and state, requiring the said officer to notify said Indian or Indians to leave the territory of said state forthwith, unless they can shew a permit from said agent, and on their refusing to obey said order or exhibit said permit, to apprehend said Indian or Indians, and bring them before the magistrate, having cognizance of the same, and if on examination, it shall appear that said Indian or Indians, have no permit as aforesaid, then it shall and may be lawful for said magistrate to imprison the said Indian or Indians, in the common jail of said county, and in the event of there being no jail in the county, then in some suitable or convenient place, not exceeding the term of ten days.

SEC. 3. *And be it further enacted by the authority aforesaid,* That when any Indian or Indians, shall be strolling over any county, on the frontier of said state, with such permit as aforesaid, and shall interfere with the private property, or interrupt the peace and tranquillity of any of the citizens aforesaid, it shall and may be lawful for them to be apprehended as aforesaid, on its being made appear to the satisfaction

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of the magistrate, to whom the warrant is made returnable, that said Indian or Indians, were without lawful business, and disturbing the peace, or molesting the property of said citizens; for said magistrate to imprison said Indian or Indians, not exceeding the term of time aforesaid.

SEC. 4. *And be it further enacted by the authority aforesaid,* That all laws or parts of laws, that are repugnant to this act, be and the same are hereby repealed.

An act to add the territory lying within the limits of this state, and occupied by the Cherokee Indians, to the counties of Carroll, De Kalb, Gwinnett, Hall and Habersham; and to extend the laws of this state over the same, and for other purposes.

1829.

*Be it enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met, and it is hereby enacted by the authority of the same,* That from and after the passing of this act, all that part of the territory within the limits of this state, and which lies between the Alabama line, and the old path leading from the Buzzard Roost, on the Chatahouchee river, to Sally Hughes, where the said path strikes the Alabama road, thence with said road, to the boundary line of Georgia, be and the same is hereby added to, and shall become a part of the county of Carroll.

SEC. 2. *And be it enacted by the authority aforesaid,* That all that part of the said territory, lying and being north of the last mentioned line, and south of the road, running from Charles Gate's ferry, on Chatahouchee river, to Dick Roes, to where it intersects with the path aforesaid be, and the same is hereby added, and shall become a part of the county of De Kalb.

SEC. 3. *And be it further enacted,* That all that part of said territory lying north of the last mentioned line, and south of the old federal road, be, and the same is hereby added, and shall become a part of the county of Gwinnett.

SEC. 4. *And be it further enacted,* That all that part of the said territory, lying north of said last mentioned line, and south of a line to begin on the Chestertee river, at the mouth of Yoholo creek, thence up said creek, to the top of the Blue ridge, thence to the head waters of Notley river, thence down said river, to the boundary line of Georgia, be, and the same is hereby added to, and shall become a part of the county of Hall.

SEC. 5. *And be it further enacted,* That all that part of the said territory, lying north of the last mentioned line, with-

in the limits of Georgia be, and the same is hereby added to, Georgia,  
1830.  
and shall become a part of the county of Habersham.

SEC. 6. *And be it further enacted*, That all the laws of this state be, and the same are hereby extended over said territory, and all white persons residing within the same, shall immediately after the passage of this act, be subject and liable to the operation of the said laws, in the same manner as other citizens of the state, or the citizens of said counties respectively.

SEC. 7. *And be it further enacted*, That after the first of June, 1830, all Indians then, and at that time, residing in said territory, and within any one of the counties as aforesaid, shall be liable and subject to such laws and regulations, as the legislature may hereafter prescribe.

SEC. 8. *And be it further enacted*, That all laws, usages, and customs made, established and in force, in the said territory, by the said Cherokee Indians be, and the same are hereby on, and after the first of June, 1830, declared null and void.

SEC. 9. *And be it further enacted*, That no Indian, or descendant of Indian, residing within the Creek or Cherokee nations of Indians, shall be deemed a competent witness, or a party to any suit, in any court created by the constitution, or laws of this state, to which a white man may be a party.

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### 1829.

An act to add the territory lying within the chartered limits of Georgia, and now in the occupancy of the Cherokee Indians, to the counties of Carroll, De Kalb, Gwinnett, Hall, and Habersham, and to extend the laws of this state over the same, and to annul all laws and ordinances made by the Cherokee nation of Indians, and to provide for the compensation of officers serving legal process in said territory, and to regulate the testimony of Indians, and to repeal the ninth section of the act of eighteen hundred and twenty-eight, upon this subject.

SEC. 1. That from and after the passing of this act, all that 1829.  
part of the unlocated territory within the limits of this state, and which lies between the Alabama line, and the old path leading from the Buzzard Roost, on the Chatahouchee, to Sally Hughes, on the Hightower river: thence to Thomas Petets, on the Old Federal Road: thence with said road to the Alabama line, be, and the same is hereby added to, and shall become a part of the county of Carroll.

SEC. 2. All that part of said territory lying and being north of the last mentioned line, and south of the road running from Charles Gate's ferry on the Chatahouchee river, to Dick Roes, to where it intersects with the path aforesaid, be, and

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the same is hereby added to, and shall become a part of the county of De Kalb.

SEC. 3. All that part of said territory lying north of the last mentioned line, and south of a line commencing at the mouth of Baldrige's creek: thence up said creek to its source: from thence to where the Federal road crosses the Hightower: thence with said road to the Tennessee line, be, and the same is hereby added to, and shall become a part of the county of Gwinnett.

SEC. 4. All that part of said territory lying north of said last mentioned line, and south of a line to commence on the Chestatee river, at the mouth of Yoholo creek: thence up said creek to the top of the Blue Ridge: thence to the head waters of Notley river: thence down said river to the boundary line of Georgia, be, and the same is hereby added to, and shall become a part of the county of Hall.

SEC. 5. All that part of said territory, lying north of the last mentioned line, within the limits of the state, be, and the same is hereby added to, and shall become a part of the county of Habersham.

SEC. 6. All the laws both civil and criminal of this state be, and the same are hereby extended over said portions of said territory respectively; and all persons whatever residing within the same, shall, after the first day of June next, be subject and liable to the operation of said laws, in the same manner as other citizens of this state, or the citizens of said counties respectively, and all writs and processes whatsoever, issued by the courts or officers of said courts, shall extend over, and operate on the portions of territory hereby added to the same respectively.

SEC. 7. After the first day of June next, all laws, ordinances, orders and regulations of any kind whatever, made, passed, or enacted by the Cherokee Indians, either in general council, or in any other way whatever, or by any authority whatever, of said tribe, be, and the same are hereby declared to be null and void and of no effect, as if the same had never existed; and in all cases of indictment or civil suits, it shall not be lawful for the defendant to justify under any of said laws, ordinances, orders or regulations; nor shall the courts of this state, permit the same to be given in evidence on the trial of any suit whatever.

SEC. 8. It shall not be lawful for any person or body of persons by arbitrary power or by virtue of any pretended rule, ordinance, law or custom of said Cherokee nation, to prevent, by threats, menaces, or other means, to endeavour to

prevent any Indian of said nation residing within the chartered limits of this state, from enrolling as an emigrant or actually emigrating, or removing from said nation; nor shall it be lawful for any person or body of persons by arbitrary power or by virtue of any pretended rule, or ordinance, law or custom of said nation, to punish in any manner, or to molest either the person or property, or to abridge the rights or privileges of any Indian for enrolling his or her name as an emigrant, or for emigrating, or intending to emigrate from said nation.

SEC. 9. Any person or body of persons offending against the provisions of the foregoing section, shall be guilty of a high misdemeanor, subject to indictment, and on conviction, shall be punished by confinement in the common jail of any county of this state, or by confinement at hard labour in the penitentiary for a term not exceeding four years, at the discretion of the court.

SEC. 10. It shall not be lawful for any person or body of persons, by arbitrary power, or under colour of any pretended rule, ordinance, law or custom of said nation to prevent or offer to prevent, or deter any Indian, head man, chief or warrior of said nation residing within the chartered limits of this state, from selling or ceding to the United States, for the use of Georgia, the whole or any part of said territory, or to prevent or offer to prevent any Indian, head man, chief or warrior of said nation, residing as aforesaid, from meeting in council or treaty, any commissioner or commissioners on the part of the United States, for any purpose whatever.

SEC. 11. Any person or body of persons offending against the provisions of the foregoing section, shall be guilty of a high misdemeanor, subject to indictment, and on conviction, shall be confined at hard labour in the penitentiary, for not less than four, nor longer than six years, at the discretion of the court.

SEC. 12. It shall not be lawful for any person or body of persons by arbitrary force, or under colour of any pretended rules, ordinances, law or customs of said nation, to take the life of any Indian residing as aforesaid for enlisting as an emigrant, attempting to emigrate, ceding or attempting to cede as aforesaid, the whole or any part of said territory, or meeting, or attempting to meet in treaty or in council as aforesaid, any commissioner or commissioners as aforesaid; and any person or body of persons offending against the provisions of this section, shall be guilty of murder, subject to indictment, and on conviction, shall suffer death by hanging.

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1829.

SEC. 13. Should any of the foregoing offences be committed under colour of any pretended rules, ordinance, custom or law of said nation, all persons acting therein either as individuals or as pretended executive, ministerial or judicial officers shall be deemed and considered as principals, and subject to the pains and penalties hereinbefore prescribed.

SEC. 14. For all demands which may come within the jurisdiction of a magistrate's court, suit may be brought for the same in the nearest district of the county to which the territory is hereby annexed, and all officers serving any legal process, or any person living on any portion of the territory herein named, shall be entitled to receive the sum of five cents for every mile he may ride to serve the same, after crossing the present limits of said counties, in addition to the fees already allowed by law; and in case any of said officers should be resisted in the execution of any legal process issued by any court or magistrate, justice of the Inferior court or judge of the superior court of any of said counties, he is hereby authorized to call out a sufficient number of the militia of said counties to aid and protect him in the execution of his duty.

SEC. 15. No Indian or descendant of an Indian residing within the Creek or Cherokee nations of Indians, shall be deemed a competent witness in any court of this state to which a white person may be a party, except such white person resides within the said nation.

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### 1830.

An act to authorize the survey and the disposition of lands within the limits of Georgia, in the occupancy of the Cherokee tribe of Indians, and all other unlocated lands within the limits of said state, claimed as Creek land, and to authorize the Governor to call out a military force, to protect surveyors, in the discharge of their duties, and to provide for the punishment of persons who may prevent, or attempt to prevent, any surveyor from performing his duties, as pointed out by this act, or who shall wilfully cut down and deface any marked trees, or remove any land mark, which may be made in pursuance of this act, and to protect the Indians, in the peaceable possession of their improvements, and of the lots on which the same may be situate.

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*Be it enacted by the Senate and House of Representatives of the state of Georgia in General Assembly met, and it is hereby enacted by the authority of the same, That all the territory within the limits of Georgia, and now in the occupancy of the Cherokee tribe of Indians; and all other unlocated lands within the limits of this state, claimed as Creek land, shall form and be divided into four sections, as follows, to wit:*

*All that part of said territory, which lies east of a line com-*

mencing on the line which divides North Carolina and Georgia, thirty-six miles due west, from the north-west corner of the first district in Rabun county, running thence south to the Chatahoochee, shall form what shall be called section first. All that part which lies west of the line aforesaid, and east of a line commencing twenty-seven miles due west, from the first named corner, running thence south to the Carroll line, or to the boundary line dividing the organized, and unorganized parts of the state, shall form the second section. All that part of said territory, which lies west of the line last aforesaid, and east of a line commencing twenty seven miles due west, from the last mentioned corner, and running thence south until it strikes the Carroll line or Alabama line, shall be called the third section. All the remaining part of said territory, shall form what shall be called section fourth.

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SEC. 2. *And be it further enacted,* That each of the sections, therein before laid out and described, shall be divided into districts of nine miles square, as near as practicable, the district lines running parallel to the lines dividing sections, and crossed by other lines at right angles, and said districts so laid out, shall be again sub-divided by lines to be run in like directions into square tracts, containing one hundred and sixty acres, marked and numbered, according to the plan heretofore pursued under the instructions of the Surveyor General.

SEC. 3. *And be it further enacted,* That all fractional parts of surveys which may be created, containing one hundred acres or upwards, shall be held and deemed prizes, and all fractions under one hundred acres, shall be reserved for public use, and be disposed of as a future legislature may direct.

SEC. 4. *And be it further enacted,* That ninety-six district surveyors, shall be apportioned to the different counties, so that the twenty counties having the largest white population, shall have two surveyors each, viz: Greene, Jasper, Jones, Monroe, Morgan, Newton, Oglethorpe, Putnam, Walton, Warren, Washington, Wilkes, Franklin, Gwinnett, Habersham, Jackson, Henry, De Kalb, Hall, and Elbert, the balance of the counties, being fifty-six in number, shall have one surveyor each, which surveyors shall be elected on the first Monday of February, eighteen hundred and thirty-one, by the citizens entitled to vote for members of the legislature, at their respective places of holding elections for members of the General Assembly, in their respective counties, and the presiding magistrates, at each and every such election, shall make a return of the same to his excellency the Governor,



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under their hands and seals, within thirty days after said election, they shall likewise give a certificate, to the persons elected in their respective counties, agreeably to the foregoing apportionment. With regard to choice of districts, the Surveyor General shall decide by lot, and in case any of the counties should fail to elect a surveyor agreeably to this section, the Governor shall appoint to fill such failure, and in case any vacancy shall happen by death, resignation or otherwise, the same shall be filled by their respective counties, in the same manner as they were first elected: *Provided*, that nothing herein contained shall be so construed, as to make any member of the present legislature, eligible to the office of surveyor, to survey said territory.

SEC. 5. *And be it further enacted*, That twelve persons shall be appointed by joint ballot of this legislature, neither of whom shall be a district surveyor, to run and plainly mark the several district and sectional lines, herein directed, whose duty shall be apportioned by the Surveyor General, as nearly equal as practicable, and any person elected a surveyor, who shall fail to perform the duties of his office, as required by the provisions of this act, shall be considered as forfeiting his bond, and himself, and his securities, be immediately liable therefor, and no ticket shall be counted unless it contains the names of twelve persons.

SEC. 6. *And be it further enacted*, That the surveyors, respectively, shall give bond in the sum of ten thousand dollars, to the Governor and his successors in office, with such security as he, or a majority of the Justices of the Inferior Court of the county in which such surveyor may reside, shall approve, conditioned for the faithful performance of the duties required of them, by this act, which bond shall be deposited in the executive office.

SEC. 7. *And be it further enacted*, That it shall be the duty of the surveyors appointed, in pursuance of this act, to make the surveys of the sections, and districts, to which they may be appointed, in their own proper persons, to mark, or cause to be marked, plainly and distinctly, upon trees, if practicable, otherwise on posts, all stations and all lines which may be required to be run, for the purpose of making the surveys of their respective sections and districts immediately upon being required so to do by the Governor; to cause all such lines to be measured with all possible exactness, with a half chain containing thirty-three feet, divided into fifty equal links, which shall be adjusted by the Surveyor General, according to the standard in his office; to take as accurately as possible the

meanders of all water courses, which shall form natural boundaries to any of the surveys; to note in field books to be kept by them respectively, the name of the corner and station trees, which shall be marked and numbered under the direction of the Surveyor General, also all rivers, creeks and other water courses, which may be touched upon or crossed in running any of the lines aforesaid, transcripts of which said field books, after being compared with the originals, by the Surveyor General, and certified and signed on every page, by the surveyor returning the same, shall be deposited in the Surveyor General's office, and become a record, and the district surveyors shall, unless prevented by unavoidable cause, make a return of their surveys and works, within one hundred and twenty days from the time they are notified to enter upon the discharge of their duties, containing a map of their district, in which shall be correctly represented and numbered, all lots and fractions of said district, and all waters therein delineated, as the Surveyor General may direct, and also representing the extent of improvements on each lot or fraction, as nearly as they can estimate the same, and also return at the same time a detached plat of each lot and fraction, which said district may contain, certified and signed by such surveyor, which plat shall be filed among the records of the Surveyor General's office, and from which copies shall be taken to annex to grants. And said surveyors shall conform to such instructions as they may receive from time to time, from the Surveyor General, during their continuance in office: *Provided*, the same do not militate against this act. And the surveyors appointed to lay out section and district lines, shall, unless prevented by unavoidable cause, make return of their work to the Surveyor General, within ninety days from the time they shall be required to enter upon the duties of their office, of all such surveys as shall have been made by them.

SEC. 8. *And be it further enacted*, That the district surveyors to be appointed by this act, shall receive two dollars and fifty cents, for every mile that shall be actually run or surveyed, as a full compensation for the duties required of them by this act, out of which they shall defray the whole of the expense incident to their offices. And his excellency the Governor, is hereby authorized and required to issue his warrant on the treasury, in favor of each of the aforesaid surveyors, upon his being called into service, to the amount of three hundred dollars, to enable him with the less delay to enter upon his duties, and the balance to which such surveyor may be entitled shall be paid to him in like manner, upon his

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producing a certificate from the Surveyor General, setting forth a performance of the work, and the amount due.

SEC. 9. *And be it further enacted*, That the surveyors who may be appointed to run section and district lines, shall receive three dollars and fifty cents, for each mile they may run and survey, as a full compensation for their services, out of which they shall pay all incidental expenses, and the Governor is required to issue his warrant on the treasury in favour of each of said surveyors, for the sum of three hundred dollars, upon their being called into service, and in like manner to pay any balance which may be due when the work is completed, and the Surveyor General shall certify the same.

SEC. 10. *And be it further enacted*, That should there be more districts than are contemplated by this act, and surveyors elected for, or in case the appointment of any surveyor should become vacant, by death, resignation or otherwise, after he shall have commenced the performance of his duties, his excellency the Governor, is requested and authorized to fill said vacancy, from the county from whence the failure took place. And in case any surveyor shall be found incompetent, or fail to execute the duties required of him by this act, his office shall be vacant, and his vacancy filled in like manner.

SEC. 11. *And be it further enacted*, That the surveyors to be appointed in pursuance of this act, shall before they enter upon their duties, take and subscribe the following oath: "I do solemnly swear (or affirm) that I am twenty-one years of age, that I will well and faithfully to the best of my skill and abilities, discharge the duties which may be required of me, as surveyor in the territory of which I am elected a surveyor, so help me God;" which oath the Surveyor General, is required to administer: The oath to be administered to chain men by their respective surveyors, shall be as follows: "I do solemnly swear (or affirm) that to the best of my skill and judgment, I will measure all lines on which I may be employed as chain carrier, as accurately and with as little deviation from the course pointed out by the surveyor as possible, and give a true account of the same to the surveyor, so help me God;" and similar oaths shall be administered by the surveyors, to all axe-men and markers.

SEC. 12. *And be it further enacted*, That the land to be surveyed under the provisions of this act, shall be classed under the following heads, viz. First quality river land, second quality river land, first quality oak and hickory up land, second quality oak and hickory up land, third quality oak and hickory up land, first quality pine land, and pine land;

and it shall be the duty of surveyors, charged with the business of dividing the districts into lots, to note upon the separate plat of each lot which he is required to file in the Surveyor General's office, the quality of each lot according to the foregoing classes, the number of the same: the enumeration to commence in all square districts in the north-west corner and to run east.

SEC. 13. *And be it further enacted*, That the following shall be the description and qualification of persons entitled to give in their names for a draw or draws under this act, to wit: Every male white person, of eighteen years of age, and upwards, being a citizen of the United States, and an inhabitant within the organized limits of this state, four years immediately preceding the time that his excellency the Governor, shall issue the notification as contemplated by this act to the persons whose duty it may be to take in draws, including such as have been absent on lawful business, shall be entitled to one draw. Every deaf and dumb or blind person of like residence, who has not drawn a lot of land in a former lottery, shall have one draw, unless provided for by this act, as an orphan. Every male person of like description, having a wife or legitimate male child or children, under eighteen years of age, or unmarried female child or children, resident as aforesaid, or who were born and have ever since resided in this state, shall have two draws, and no person shall be entitled to a draw or draws who has a family residing out of this state, or whose family has not resided in this state, for four years as aforesaid, provided said applicant for a draw or draws has had a family so long, and excepting officers of the army or navy of the United States, and others in the employment of the United States, who may under the other provisions of this act be entitled to a draw or draws. All widows with like residence shall be entitled to one draw, and wife and children in this state, of persons who have been absent from the state three years, shall be on the same footing as to draws, as if the said husband was dead, and the title to such lots as said females or children may draw be vested permanently in them as though they were widows and orphans: All families or orphans, resident as aforesaid, or who have resided in this state from their birth, under the age of eighteen years, except such as may be entitled in their own right to a draw or draws, whose father is dead, shall have one draw: All families or orphans consisting of more than two shall have two draws, but if not exceeding two, then such orphan or orphans shall be entitled to one draw, to be given in, in the county and dis-

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trict where the eldest of said orphans, or where the guardian of the eldest resides, and if such orphan or orphans should have no guardian, then by the mother or next friend: All widows of like residence, whose husbands were killed or died in the service of their country, on their return march in the late wars with Great Britain, or the Indians, shall be entitled to a draw, exclusive of that otherwise allowed to widows by this act: All orphans whose father was killed or died in the service of their country, or on their return march in the late wars against Great Britain or the Indians, shall be entitled to a draw, exclusive of that otherwise allowed by this act to orphans, and no orphan or family of orphans shall be excluded from a draw or draws by reason of such orphan or family of orphans, having been carried beyond the limits of this state, provided they have returned and are now inhabitants of this state; and all and every unmarried female, over the age of eighteen years, whose father was killed or died as aforesaid, shall have one draw; and all persons who served in the Indian wars from 1784 to 1797, or any part thereof as soldiers of this state, being at that time residents of the same, and at this time citizens thereof, shall be entitled to one draw each as such, and the widow of such person shall be entitled to one draw as such, and the orphan or orphans of such person shall be entitled to one draw as such, in addition to the draw or draws to which they may be entitled under the other provisions of this act: *Provided*, such person is not entitled under this act to an extra draw as a revolutionary soldier, or as the widow of a revolutionary soldier, and *Provided* also, that such person did not at any time during the revolutionary war, take protection under the British or Tories: *Provided*, that nothing herein contained, shall be so construed as to entitle any person or persons to a draw or draws in the present contemplated land lottery who, may have been fortunate drawers in any previous land lottery, except such persons as have drawn land as one of a family of orphans, and who have arrived at the age of eighteen years, but such person shall be entitled to one draw, and the remainder of such family of orphans shall be entitled to one draw, and except persons who may have drawn land, as soldiers who served a tour of duty under the authority of this state, or the United States: And *Provided*, that all widows of revolutionary soldiers, shall have one draw in addition to those already contemplated by this act; and that all revolutionary soldiers, who were not fortunate drawers as revolutionary soldiers, in any of the former land lotteries, shall be entitled to two draws as revolutionary soldiers:

*Provided*, that the citizens of this state, who came under the provisions of this act, as above contemplated, and who volunteered or were legally drafted in the late war against Great Britain, or the Indians, and refused to serve a tour of duty, either in person or by substitute, or who may have deserted from the service of this state, or of the United States, shall not be entitled to the provisions of this act, as above contemplated, nor any of those who illegally avoided a draft by removal or otherwise; and no person or persons who have removed from the organized limits of the state, for the purpose of avoiding the laws of this state, or have absconded for debt, shall be entitled to a draw or draws under this act: And in case land is drawn by minors, the grant shall issue accordingly, upon payment of the usual fees, and every citizen of this state, who served a tour of duty under the authority of this state or of the United States, of two months or more in the militia of this state, during the late war against the British or Indians, shall be entitled to one extra draw: *Provided*, they have not drawn land on account of said service in any former lottery: And *Provided*, that when such service has been rendered by a substitute, the person employing such substitute, shall be entitled to the draw, and not the substitute, and they shall take the following oath: I do swear (or affirm) that I am a citizen of this state, and that I served a tour of duty in the militia of this state of two months or more in the late war against the British or Indians, in person or by substitute: All persons whose names appear on the books of the Surveyor General's office as having drawn a lot of land in any of the lotteries heretofore drawn in this state, and have not drawn any other lot, and whose names does not appear to said lot in the executive office, but appears on the books in the executive office to have been drawn by some other person, shall be entitled to the provisions of this act: *Provided*, that nothing herein contained, shall be so construed to exclude those who have heretofore drawn only as soldiers, revolutionary soldiers and widows of revolutionary soldiers, from a draw or draws that they may be entitled to as citizens.

SEC. 14. *And be it further enacted*, That no person who is or has been either directly or indirectly concerned or interested with a certain horde of thieves known as the Pony Club, shall be entitled to the provisions of this act, in respect to draws, and no person who has been at any time convicted of a felony in any of the courts of this state shall be entitled to a draw or draws under this act.

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SEC. 15. *And be it further enacted*, That no person who in person or by agent may have dug gold, silver, or any other metal since the first day of June last, in the lands to be surveyed or disposed of under this act, shall be entitled to a draw or draws under this act; and no person who employed any white person, negro, mulatto, or Indian, to dig gold in said Cherokee country, shall be entitled to a draw under this act, who may have employed any white person, negro, mulatto, or Indian, and did dig gold, as aforesaid, since the first day of June, eighteen hundred and thirty.

SEC. 16. *And be it further enacted*, That no person or persons who are residents on any part of the lands contemplated to be disposed of by this act, shall be entitled to a draw or draws under any of its provisions.

SEC. 17. *And be it further enacted*, That the right of navigating the streams in said territory be, and the same is hereby reserved to the state.

SEC. 18. *And be it further enacted*, That nothing herein contained shall be so construed as to allow any convict in the penitentiary to give in for a draw or draws in the present contemplated land lottery: *Provided, nevertheless*, That the child or children who have resided in this state for four years of any of said convicts, shall be entitled in the same manner they would be entitled if they were orphans, and may be given in for by their mother or other persons, under whose care they may be, and the grant or grants shall issue accordingly to any land so drawn: *Provided*, That no such convict has drawn in any of the former land lotteries of this state in his own name.

SEC. 19. *And be it further enacted*, That lists of persons entitled to draws under this act shall be made out by the Inferior court of each county, or such person as they may appoint, not exceeding two to each battalion, within four months from the date of such proclamation as his excellency the Governor shall issue requiring the same to be done, and said Inferior court of the several counties in this state, or the persons they may appoint, shall attend in each captain's district at least twice, giving ten days notice of the time and place, for the purpose of taking the names of persons entitled to draws, and the names of the persons entitled shall be entered by the receivers in a book to be kept for that purpose, a transcript of which book, fairly made out, shall be transmitted to the executive, and the original deposited with the clerk of the Superior court of the respective counties; and should the Inferior court of any county fail to take in such names themselves, or

to make proper appointments within two months after they <sup>Georgia,</sup> are required by proclamation to do so, then the clerk of the <sup>1830.</sup> Superior court (or his legal deputy in his absence,) in such county, may make such appointments, and said receivers, before they enter upon their duties, shall take and subscribe the following oath, to wit: "I do solemnly swear (or affirm) that I will not receive or register any name, except the person giving in shall first take the oath prescribed by this act, and that I will make a just and true return of all such persons' names as may severally take the oath or oaths prescribed by this act—so help me God;" which oath any Justice of the Inferior court, or of the Peace, is hereby required to administer, and the person or persons taking in names as aforesaid shall administer to all applicants for draws, other than widows, guardians or next friends of orphans, idiots, and lunatics, the following oath, viz: "I do solemnly swear (or affirm) that I am a citizen of the United States, and have resided in this state four years immediately preceding the time of the notification issued by the Governor, except absent on lawful business, and am an inhabitant of the same, that I am eighteen years of age, that I have (or have not) a wife or child or children, that I have not given in my name for any draw or draws in the present contemplated land lottery, in any other part of the state, that I have not drawn a tract of land in any of the former lotteries in my individual capacity, or as an individual orphan, and that I did not directly or indirectly evade the service of this state or of the United States in the late wars, against Great Britain or the Indians."—And the widows of revolutionary soldiers shall take the following oath or affirmation, to wit: "I do solemnly swear (or affirm) that I am the widow of a revolutionary soldier on the American side, to the best of my knowledge and belief—so help me God." The following oath shall be administered to all married women entitled to draws on account of three years absence of their husbands, as contemplated by this act, to wit: "I do solemnly swear (or affirm) that my husband has been absent from this state three years, that he was a citizen of the United States, that I have resided the four last years in this state, except absent on lawful business, and am now a resident in this district, that I have not put in my name for a draw in the approaching land lottery, in any other part of the state, and that I have not drawn any tract of land in any of the former land lotteries, either in my individual capacity, or as an individual orphan, to the best of my knowledge and belief—So help me God." The following oath shall be administered to



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the mother or next friend of any minor or family of minors who may be entitled to a draw or draws on account of three years absence of their father, as contemplated by this act, to wit: "I do solemnly swear (or affirm) that the minor or family of minors whom I now return is, or are, entitled to a draw or draws under this act, to the best of my knowledge—So help me God." The following oath shall be administered to all revolutionary soldiers who shall apply for draws under this act: "I do solemnly swear (or affirm) that I served as a soldier in the armies of the United States during the revolutionary war a tour or tours of duty, and that I did not at any time during the said war bear arms or act as a spy or emissary against the United States, or in any manner aid or abet the enemy thereof, and am entitled to a draw or draws according to the provisions of this act—So help me God." And all guardians or next friends of orphans or children of convicts in the penitentiary shall take the following oath: "I do solemnly swear (or affirm) that the orphan or family of orphans or the child or children whom I return is, or are, entitled to a draw or draws under this act, to the best of my knowledge—So help me God." The following oath shall be administered to all widows: "I do solemnly swear (or affirm) that I am a widow, that I have resided the last four years in this state, except absent on lawful business, and am now resident in this district, that I have not put in my name for a draw in the present lottery in any other part of the state, and that I have not drawn land in any of the former lotteries to the best of my knowledge and belief—So help me God." That all idiots and deaf and dumb or blind persons, entitled to a draw or draws by this act, shall be given in by their respective parents or guardians or next friends, who shall take the following oath, to wit: "I do solemnly swear (or affirm) that the person whose name I now give in, is an idiot, or lunatic, or a deaf and dumb or blind person, that he or she is eighteen years of age, or upwards, and entitled to a draw or draws under this act, that he or she has not drawn land in any of of the former land lotteries of this state, in his or her own name, or as an individual orphan—So help me God." Every person claiming a draw, as having served in the Indian wars between the years 1784 and 1797, shall take the following oath, to wit: "I do solemnly swear (or affirm) that I served in the Indian war a portion of the time between the years 1784, and 1797, as an inhabitant of Georgia, and that I am still a citizen of the same, and that I did not act as a spy or emissary of, or in any way aid or abet the

British or Indians in the revolutionary war—So help me God.” <sup>Georgia, 1830.</sup> Every widow, and the guardian of the orphan or orphans of such persons, shall take the following oath, to wit: “I do solemnly swear (or affirm) that I am the widow (or that the orphan or orphans of whom I am the guardian, is or are the orphan or orphans, as the case may be,) of a resident of Georgia who served in the Indian wars a portion of the time between the years 1784, and 1797.” And the persons who shall be authorized to take in the names of those who are entitled to a draw or draws under this act, shall receive twenty-five cents from each of said applicants for each draw.

SEC. 20. *And be it further enacted,* That if any person entitled by this act to a draw or draws in their own right, or in the right of others, should by absence or other unavoidable causes, fail to give in his or her name, within the time herein prescribed, it shall and may be lawful for such person to make oath of the draw or draws to which he or she may be entitled before any justice of the Inferior court or of the Peace of the county in which he or she may reside, and make return thereof to the executive, at any time before the commencement of the drawing; and it shall and may be lawful for any person or persons entitled to a draw or draws in said lottery, who are about leaving the state on lawful business, to take the oath prescribed by the act, and deposit the same in the clerk's office of the Superior court of the county where such person or persons may reside, and their names shall be registered according to the provisions of this act: *Provided,* such person shall swear that he intends to return and remain a citizen of this state. The following oath shall be administered to every unmarried female over the age of eighteen years, whose father was killed or died as aforesaid: “I do solemnly swear (or affirm) that I am eighteen years of age, and that I am unmarried, that I have not put in my name for a draw in the approaching land lottery in any other part of the state, and that I have not drawn any tract of land in any of the former land lotteries, and that my father died in the service or on his return march in the late war against Great Britain or the Indians, to the best of my knowledge and belief—So help me God.”

SEC. 21. *And be it further enacted,* That five persons shall be appointed by joint ballot of the legislature to superintend the drawing of the lottery, to be convened in Milledgeville by the Governor, when necessary, and that whenever this act imposes duties on the Governor, Surveyor General, Surveyors, Receivers of names or Commissioners, such duties

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shall be severally performed with as little delay as possible consistently with this act, and a due execution thereof.

SEC. 22. *And be it further enacted,* That as soon as said lists are made out and returned, his excellency the Governor, for the purpose of carrying the lottery into effect, shall cause the names of persons entitled to draws, together with other designatory remarks of residence, &c. to be placed on tickets as nearly similar as possible, which shall be deposited in one wheel; and the prizes on tickets of the like description, shall be deposited in another wheel, which prizes shall consist of all square lots, and tracts of one hundred acres, and upwards, in said territory, not herein reserved; and from each wheel as nearly at the same time as may be, a ticket shall be drawn and delivered to the superintending managers, and so on until the whole number of prizes are drawn out, and said managers shall make due and particular entry of the names so drawn out and the prizes corresponding therewith, said names and prizes being first thoroughly mixed in their respective wheels; and his excellency the Governor is required to give three weeks notice of the commencement of the drawing.

SEC. 23. *And be it further enacted,* That all persons who may draw lands under this act, shall be entitled to receive grants for the same, conveying fee simple titles, on paying into the treasury of this state, the sum of eighteen dollars; and any person drawing, and failing to take out his grant within five years from the date of said draw, shall forfeit his or her right to receive a grant to the land so drawn, and the same shall revert to the state; orphans, and deaf and dumb, and blind persons, idiots, and lunatics, excepted; and all persons who shall draw lands in this lottery, except orphans, idiots, and lunatics, shall, whether the same be granted or not, pay taxes thereon at the same rates, as for other lands of similar qualities, until they shall sell or relinquish the same to the use of the state by writing, to be filed in the office of the Secretary of State.

SEC. 24. *And be it further enacted,* That all returns made contrary to the true intent and meaning of this act, are declared to be fraudulent, and all grants issued in consequence of any draw made in the contemplated lottery, on such fraudulent returns, are hereby declared to be null and void, and the lands so drawn or granted shall revert and become the property of the state; and the question of the fraud shall be tried upon scire facias, to be issued from under the hands of the Clerk of the Superior court of the county in which the land lies, in the name of the Governor of the state for the time being, upon

the application of any individual, against the tenant in pos-<sup>Georgia,</sup> session of the land alleged to be fraudulently drawn or against <sup>1830.</sup> the drawer thereof, setting forth the circumstances of fraud in the said scire facias specially.

SEC. 25. *And be it further enacted,* That all fictitious names, that may get into the lottery wheel by any means whatever, are hereby declared to be fraudulent, and any lot or lots drawn under a fictitious name or names, may be returned and condemned in the same manner as other lots fraudulently drawn.

SEC. 26. *And be it further enacted,* That in all cases where any person intends to return any tract of land as fraudulently drawn, before he shall be allowed to do so, he shall first give bond and security in the sum of two hundred dollars to the Justices of the Inferior court of the county where the land lies, conditioned to indemnify the individual drawer of such tract of land for all damages he may sustain, provided the land is not condemned as fraudulent.

SEC. 27. *And be it further enacted,* That upon the return of said scire facias, with an entry thereon of service effected by any Sheriff of any county of this state, by leaving a copy thereof with the person named as defendant, or at his or her notorious place of abode, or by the return of said Sheriff, that the defendant is not to be found: *Provided,* The informer shall make affidavit that he does not believe the defendant resides in the state.—Upon which return of the Sheriff, that the defendant is not to be found, on affidavit, the court is hereby authorized to have service perfected by an order, for a three months publication, in one or more of the public gazettes of this state, which rule when duly published shall be considered as sufficient service to authorize an issue to be made up, under the direction of the court, to try the question of fraud, and in case the jury shall find the return fraudulent, the court shall by judgment, pronounce the grant issued on such return and draw, to be void, and order it to be cancelled, which judgment when transmitted to the Surveyor General's office, and Secretary of State's office, and entered, of file, shall be of sufficient authority, to those officers to cancel the plats and grants for such fraudulent draws, from their offices respectively—And the land when condemned, shall belong one half to the state, and the other half to the informer, and subject to be laid off between the informer and the state, by writ of partition, to be issued under the direction of the Superior court of the county in which the land lies, and to the proceedings of said writ of partition, on behalf of the state, it shall be the duty of the Soli-

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citors General, in the respective circuits, to attend, and when the said lands are so laid off, the informer shall be entitled to a plat and grant for his share, upon the payment of the legal office fees: *Provided, nevertheless,* That no return made by, or on behalf of any orphan or orphans, shall be pronounced fraudulent, until his or their legal guardian shall have been made a party to the scire facias, or other discreet person appointed by the court, in which the case is tried, to defend the case for the said orphan or orphans: *And provided also,* That the scire facias under this section issue within two years from the date of the drawing.

SEC. 28. *And be it further enacted,* That no case, after being commenced as aforesaid, by scire facias shall be settled, or compromised, by the informer or otherwise disposed of to the prejudice of the state, and in case it is, said land shall be liable to be returned by any other informer, in manner above prescribed, and division made thereof accordingly.

SEC. 29. *And be it further enacted,* That no scire facias shall issue, until the applicant shall have made and deposited in the clerk's office, from which the said scire facias shall issue the following oath, to wit: "I do solemnly swear (or affirm) that in making this information I have no combination or understanding directly, or indirectly, with the drawer, or any other person as the friend of, or on the part of the drawer.

SEC. 30. *And be it further enacted,* That the Governor is required, to cause the surveyors to proceed with as little delay as possible, and when the surveys are so made, and returned to the Surveyor General's office, the Governor is further required, to notify the lottery commissioners to meet at Milledgeville, and proceed forthwith, to the drawing of the lottery contemplated by this act.

SEC. 31. *And be it further enacted,* That the Indians and their descendants, who reside upon said territory, and have made improvements thereon, shall be protected in the quiet and peaceable possession of such improvements, and of the lot or lots of land upon which the said improvements are made, until the General Assembly of this state shall enact to the contrary, or said Indians or their descendants shall voluntarily abandon such improvements, but no Indian, or descendant of an Indian, who shall be entitled to the benefit of this section shall be at liberty to rent, sell or convey, his right of occupancy to any person or persons, unless it be to the government of this state, or of the United States, to and for the use of such drawers, and the persons drawing lots upon which Indian residences may be, shall not be allowed to disturb them

in their occupancy of such improvements and lots: *Provided*, Georgia, 1850. The benefits of this act shall not extend to those who have made new settlements in the gold region, within the present year, for the purpose of occupying and working the gold mines, but they shall be allowed to return to and occupy their former residence as others are provided for under this section: *And provided*, no grant shall issue for any tract or tracts of land upon which said Indian residences may be until said Indian or Indians, or their descendants, shall have abandoned the same in manner and form as herein pointed out, nor shall the drawer or drawers of any such lot or lots, be subject to pay taxes for the same until they are entitled to obtain a grant or grants, for the same under the provisions aforesaid, and any person or persons who may be, the fortunate drawers of such lot or lots, upon which such residences may be located, who shall by threats, menaces, or violence, remove or attempt to remove, any Indian, or descendant of an Indian therefrom, or who, either in person, or by agent, shall take, or attempt to take possession of any lot of land, on which improvements be, shall forfeit their right to a grant or grants for the same, and such lot or lots shall revert to the state.

SEC. 32. *And be it further enacted*, That if any person or persons, whether Indians or others, shall wilfully cut down or deface any marked trees, or remove any land mark which may be made in pursuance of the provisions of this act, previously to the distribution of lands, such person or persons shall be guilty of a misdemeanor, and on conviction thereof shall be punished by confinement in jail or in the Penitentiary, for a term not exceeding four years, at the discretion of the court.

SEC. 33. *And be it further enacted*, That any person or persons who shall by force, menaces or other means, prevent or attempt to prevent any surveyor or surveyors from running any line or lines, or doing and performing any act required of him or them by this act, shall on indictment and conviction thereof be sentenced to the penitentiary at hard labour for the term of five years.

SEC. 34. *And be it further enacted*, That all vacancies which may occur, by death, resignation, or otherwise, of any lottery commissioner, previous to the completion of said drawing, as contemplated by this act, shall be filled by the Governor.

SEC. 35. *And be it further enacted*, That the sectional surveyors shall, with as little delay as possible, proceed to the performance of the duties assigned to them under this act; and

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on the completion and return thereof to the Surveyor General, the Governor is authorized and requested to direct the election of two justices of the peace, and two constables, being white men resident in said territory, in every of such sections, to be held at such time, and at such place, and to be superintended and returned to the executive by such person or persons, in every of such sections as the Governor shall direct, which justices and constables shall respectively take the oath and execute the bond required by law; and that all white males of full age, resident in said territory shall be entitled to vote for such justices and constables. And in the event that the President of the United States shall at any time during the ensuing recess of the legislature, succeed in executing the compact between the United States and the state of Georgia, in relation to the Cherokee lands, that the Governor shall order the district surveyors to proceed to the discharge of their duties, and to the completion of the survey of the districts, as required by this act, and to the occupancy of said territory, otherwise the survey of the districts shall be suspended until the next meeting of the general assembly, and until further enactment for this purpose.

SEC. 36. *And be it further enacted*, That no county that is allowed two district surveyors, shall have sectional surveyors appointed therefrom.

SEC. 37. *And be it further enacted*, That the Governor is hereby authorized and required to protect said surveyors, in the prosecution of said surveys, and call out for that purpose such portion of the militia as he may deem necessary for their effectual protection, should the said surveyors or any of them be interrupted in the prosecution of their labours.

An act to declare void all contracts hereafter made with the Cherokee Indians, so far as the Indians are concerned.

1830.

*Be it enacted by the Senate and House of Representatives of the state of Georgia in General Assembly met, and it is hereby enacted by the authority of the same*, That no Cherokee Indian shall be bound by any contract hereafter to be entered into which a white person or persons, nor shall any Indian be liable to be sued in any of the courts of law or equity in this state, on such contract.

An act to provide for the temporary disposal of the improvements and possessions purchased from certain Cherokee Indians and residents.

1830.

*Be it enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met, and it is hereby enacted by the authority of the same*, That his

excellency the Governor is authorized and requested to ap-<sup>Georgia,</sup> point a proper person as agent to rent, for one year, from the <sup>1830.</sup> first day of February next, and for each succeeding year, until other provision shall be made by the legislature, all the improvements and possessions lying within the territorial limits of Georgia, and which have been purchased from Cherokee and Creek Indians and residents, under the provisions of the treaty of the sixth day of May, in the year eighteen hundred and twenty-eight, or by any other treaty, or in any other manner by the United States, at public outcry at the court house of the counties to which the territory is attached, in which said premises may be, to be advertized at least fifteen days in three of the most public gazettes in this state, commencing at Carroll county on the fifteenth day of February, 1831. *Provided*, That no person or persons renting any such improvements, shall be permitted to dig for gold, silver or other valuable metals, or to employ any person of any description so to dig, but that such person so digging shall be subject to the pains and penalties as may be pointed out by law, to be inflicted on persons who may so dig on any other part of said territory.

SEC. 2. *And be it further enacted*, That said agent shall have full power and authority to rent the said improvements and possessions by private contract, to citizens of Georgia only. *Provided*, the same could not be rented at public outcry, taking notes with good security, payable to his excellency the Governor, and his successors in office, on the first day of January, eighteen hundred and thirty-two, for the payment of the rent.

SEC. 3. *And be it further enacted*, That the Governor, upon the appointment of said agent, shall furnish him with a list of said improvements, and possessions, and such other lands as are liable to rent under this act, and he shall proceed immediately to discharge the duties required of him by this act; the said agent shall moreover by the first day of June next, return to the treasury a complete statement of his actings and doings in the premises, exhibiting the price received by him for each improvement or possession, and shall also at the same time, file in said department all notes taken by him for rent, except such as he shall retain by authority of this act in payment of his services.

SEC. 4. *And be it further enacted*, That his excellency the Governor upon the report of said agent, that it is indispensably necessary, shall order out a sufficient force to deliver



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possession of any improvement to the person or persons renting the same, and to protect them in the possession thereof.

SEC. 5. *And be it further enacted*, That the said agent, before he enters upon the duties required of him by this act, shall give bond to his excellency the Governor in the sum of five thousand dollars, for the faithful discharge of the same.

SEC. 6: *And be it further enacted*, That said agent be allowed to retain as full compensation for his services, ten per centum of the notes so received by him for rent.

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An act to prevent the exercise of assumed and arbitrary power, by all persons under pretext of authority from the Cherokee Indians, and their laws, and to prevent white persons from residing within that part of the chartered limits of Georgia, occupied by the Cherokee Indians, and to provide a guard for the protection of the gold mines, and to enforce the laws of the state within the aforesaid territory.

1830.

*Be it enacted by the Senate and House of Representatives of the State of Georgia, in General Assembly met, and it is hereby enacted by the authority of the same*, That, after the first day of February, eighteen hundred and thirty one, it shall not be lawful for any person, or persons, under colour or pretence, of authority from said Cherokee tribe, or as head men, chiefs, or warriors of said tribe, to cause or procure by any means the assembling of any council, or other pretended legislative body of the said Indians, or others living among them, for the purpose of legislating, (or for any other purpose whatever.) And persons offending against the provisions of this section, shall be guilty of a high misdemeanor, and subject to indictment therefor, and on conviction, shall be punished by confinement at hard labor in the penitentiary for the space of four years.

SEC. 2. *And be it further enacted by the authority aforesaid*, That after the time aforesaid, it shall not be lawful for any person or persons under pretext of authority from the Cherokee tribe, or as representatives, chiefs, head men, or warriors of said tribe, to meet, or assemble as a council, assembly, convention, or in any other capacity, for the purpose of making laws, orders, or regulations for said tribe. And all persons offending against the provisions of this section, shall be guilty of a high misdemeanor and subject to an indictment, and on conviction thereof, shall undergo an imprisonment in the penitentiary at hard labor for the space of four years.

SEC. 3. *And be it further enacted by the authority aforesaid*, That, after the time aforesaid, it shall not be lawful for

any person or persons, under colour, or by authority of the Georgia, Cherokee tribe, or any of its laws or regulations, to hold any court or tribunal whatever, for the purpose of hearing and determining causes, either civil or criminal; or to give any judgment in such causes, or to issue, or cause to issue any process, against the person or property of any of said tribe. And all persons offending against the provisions of this section, shall be guilty of a high misdemeanor, and subject to indictment, and on conviction thereof, shall be imprisoned in the penitentiary at hard labor for the space of four years.

SEC. 4. *And be it further enacted by the authority aforesaid,* That, after the time aforesaid, it shall not be lawful for any person or persons, as a ministerial officer, or in any other capacity, to execute any precept, command, or process, issued by any court or tribunal in the Cherokee tribe, on the persons or property of any of said tribe. And all persons offending against the provisions of this section, shall be guilty of a trespass and subject to indictment, and on conviction thereof, shall be punished by fine and imprisonment in the jail or in the penitentiary not longer than four years, at the discretion of the court.

SEC. 5. *And be it further enacted by the authority aforesaid,* That, after the time aforesaid, it shall not be lawful for any person or persons, to confiscate, or attempt to confiscate, or otherwise to cause a forfeiture of the property or estate of any Indian of said tribe, in consequence of his enrolling himself and family for emigration, or offering to enrol for emigration, or any other act of said Indian in furtherance of his intention to emigrate. And persons offending against the provisions of this section, shall be guilty of a high misdemeanor, and on conviction, shall undergo an imprisonment in the penitentiary at hard labor for the space of four years.

SEC. 6. *And be it further enacted by the authority aforesaid,* That none of the provisions of this act, shall be so construed as to prevent the said tribe, its head men, chiefs, or other representatives from meeting any agent or commissioner, on the part of this state or the United States, for any purpose whatsoever.

SEC. 7. *And be it further enacted by the authority aforesaid,* That all white persons residing within the limits of the Cherokee nation, on the first day of March next, or at any time thereafter, without a license or permit, from his excellency the Governor, or from such agent as his excellency the Governor, shall authorize to grant such permit or license, and who shall not have taken the oath hereinafter required, shall

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be guilty of a high misdemeanor, and upon conviction thereof, shall be punished by confinement in the penitentiary at hard labor, for a term not less than four years: *Provided* That the provisions of this section shall not be so construed, as to extend to any authorized agent or agents, of the government of the United States, or of this state, or to any person or persons, who may rent any of those improvements, which have been abandoned by Indians who have emigrated west of the Mississippi: *Provided*, That nothing contained in this section shall be so construed as to extend to white females, and all male children under twenty-one years of age.

SEC. 8. *And be it further enacted by the authority aforesaid*, That all white persons, citizens of the state of Georgia, who have procured a license in writing, from his excellency the Governor, or from such agent as his excellency the Governor, shall authorize to grant such permit or license, to reside within the limits of the Cherokee nation, and who have taken the following oath, viz: "I. A. B. do solemnly swear (or affirm as the case may be) that I will support and defend the constitution, and laws of the state of Georgia, and uprightly demean myself as a citizen thereof, So help me God," shall be and the same are hereby declared, exempt and free from the operation of the seventh section of this act.

SEC. 9. *And be it further enacted by the authority aforesaid*, That his excellency the Governor, be and he is hereby authorized to grant licenses to reside within the limits of the Cherokee nation, according to the provisions of the eighth section of this act.

SEC. 10. *And be it further enacted by the authority aforesaid*, That no person shall collect, or claim any toll from any person for passing any turnpike gate or toll bridge, by authority of any act or law of the Cherokee tribe, or any chief, or head man, or men of the same.

SEC. 11. *And be it further enacted by the authority aforesaid*, That his excellency the Governor, be and he is hereby empowered, should he deem it necessary, either for the protection of the mines, or for the enforcement of the laws of force within the Cherokee nation, to raise and organize a guard to be employed on foot, or mounted as occasion may require, which shall not consist of more than sixty persons, which guard shall be under the command of the commissioner or agent appointed by the Governor, to protect the mines, with power to dismiss from the service, any member of said guard, on paying the wages due for services rendered, for dis-

orderly conduct, and make appointments to fill the vacancies Georgia, 1830.  
occasioned by such dismissal.

**SEC. 12.** *And be it further enacted by the authority aforesaid,* That each person who may belong to said guard, shall receive for his compensation at the rate of fifteen dollars per month when on foot, and at the rate of twenty dollars per month when mounted; for every month that such person is engaged in actual service, and in the event that the commissioner or agent herein referred to, should die, resign or fail to perform the duties herein required of him, his excellency the Governor, is hereby authorized and required to appoint in his stead, some other fit and proper person to the command of said guard, and the commissioner or agent, having the command of the guard aforesaid, for the better discipline thereof, shall appoint three sergeants who shall receive at the rate of twenty dollars per month, while serving on foot, and twenty-five dollars when mounted, as compensation whilst in actual service.

**SEC. 13.** *And be it further enacted by the authority aforesaid,* That the said guard, or any member of them, shall be and they are hereby authorized and empowered to arrest any person legally charged with, or detected in, a violation of the laws of this state, and to convey as soon as practicable, the person so arrested before a justice of the peace, Judge of the Superior or Justice of the Inferior court, of this state, to be dealt with according to law, and the pay and support of said guard be provided out of the fund, already appropriated for the protection of the gold mines.

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An act to authorize the Governor to take possession of the Gold, Silver, and other mines, lying and being in that section of the chartered limits of Georgia, commonly called the Cherokee country, and those upon all other unappropriated lands of the state, and for punishing any person or persons, who may hereafter be found trespassing upon said mines.

Whereas the Gold, Silver, and other mines, situate in the 1830.  
Cherokee country, within the jurisdictional limits of Georgia, are of right the property of Georgia.—And whereas great waste has been committed by the trespasses and intrusions of numberless citizens of this and of other states, in digging, taking and carrying away large quantities of Gold from said mines—For remedy whereof,

*Be it enacted by the Senate and House of Representatives of the state of Georgia in General Assembly met, and it is hereby enacted by the authority of the same,* That the Governor is hereby authorized and required for, and in behalf of the citizens of Georgia, to take immediate possession of all

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the gold, silver and other mines which have been discovered, and of all those which may hereafter be discovered, as soon as practicable, in the said Cherokee country, within the chartered limits of Georgia, and of all those upon other unappropriated lands of the state; subject nevertheless to any disposition by legislative enactments, and that he be empowered, if it should in his judgment become necessary to employ such military force as may by him be deemed competent to take into possession the said mines, and to protect and defend them from all further trespass.

SEC. 2. *And be it further enacted*, That the sum of twenty thousand dollars is hereby appropriated out of any moneys in the treasury not otherwise appropriated, subject to the warrant of the Governor, to carry into effect the objects contained in the foregoing section.

SEC. 3. *And be it further enacted*, For the better securing said mines from trespass, that if any person or persons shall be guilty of digging for gold, silver or other metal upon said mines, or who shall take from, or carry away any gold, silver or other metal from any of the said mines, unless authorized by law, he, she or they shall be guilty of a misdemeanor, and upon conviction thereof, shall be sentenced to hard labor in the penitentiary for and during the term of four years.

SEC. 4. *And be it further enacted*, That if any person or persons, not authorized by law, shall employ any white man, Indian, negro or mulatto, to dig for gold, silver or other metal, upon said mines, or to take or carry away any gold, silver or other metal from said mines, he, she or they, so employing said white man, Indian, negro or mulatto, to dig for gold, silver or other metal upon said mines, or to take or carry away gold, silver or other metal from said mines, shall be guilty of a misdemeanor, and upon conviction thereof, shall be punished by confinement in the penitentiary, at hard labor, for and during the term of four years.

SEC. 5. *And be it further enacted*, That nothing in this act shall be so construed as to confine any negro slave in the penitentiary of this state.

SEC. 6. *And be it further enacted*, That each and every negro slave and other property owned and employed in trespassing on the said mines, by any person or persons convicted of the misdemeanors contemplated by this act, shall be confiscated and sold, and after the expenses of trial and condemnation shall have been paid, the nett proceeds of such sale, shall be paid over to the Treasurer of this state for the use thereof.

**SEC. 7.** *And be it further enacted,* That his excellency <sup>Georgia,</sup> the Governor, is hereby authorized to appoint one or more <sup>1830.</sup> agents if he should deem it necessary, for the protection of the Gold mines in the Cherokee country, or other unappropriated lands of the state, and for the purpose of assisting in the enforcement of the laws of this state, over said country and land, whose duty it shall be to give to the civil authority, information of any trespass upon the Gold mines, or violation of the laws of this state and to see that the transgressors are promptly proceeded against, and to give information from time to time to his excellency the Governor, of the actings and doings in said premises.

**SEC. 8.** *And be it further enacted,* That such parts of this act as relates to the punishment of trespassers upon the mines, within the limits of the Cherokee nation, shall not take effect until the first day of January, eighteen hundred and thirty-one.

**SEC. 9.** *And be it further enacted,* That all persons who shall be arrested by virtue of this act, and shall be liable for costs, and who may be found unable to pay such costs as may be incurred, the costs thus incurred shall be defrayed by the state, any law to the contrary notwithstanding: Provided that the provisions of this section, shall not extend to persons residing within the old limits of the county where they may be confined.

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An act to provide for the payment of the expenses which have been, or may be, incurred by the counties of Carroll, De Kalb, Gwinnett, Hall, and Habersham, for prison fees, and officers fees in the prosecution of crimes committed on the territory claimed by the Cherokee Indians; which was added to the aforesaid counties, by an act passed on the 19th day of December, eighteen hundred and twenty-nine.

*Be it enacted by the Senate and House of Representatives* <sup>1830.</sup> *of the state of Georgia, in General Assembly met, and it is hereby enacted by the authority of the same,* That for all prosecutions in behalf of this state, where the crime has been or may hereafter be committed upon the unoccupied territory within the chartered limits of this state, attached to the counties of Carroll, De Kalb, Gwinnett, Hall and Habersham; and for all prison fees and officers fees incurred, or to be incurred by the arrest or imprisonment of persons charged with crimes, against the state on said territory, shall be paid by the Governor, out of the contingent fund, when it shall be made appear to him, by the certificate of the Judges of the Superior court within whose jurisdiction such arrests, imprisonments or prosecutions may have been, or may hereafter be had, that the

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person or persons so arrested, imprisoned or prosecuted, have no visible means out of which to defray the expenses thereof, which payment shall be made to such officers as said Judge shall state in such certificate to be entitled to receive the same, any law to the contrary notwithstanding.

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1831.

An act to alter and amend "An act, to authorize the survey and disposition of the lands within the limits of Georgia, in the occupancy of the Cherokee tribe of Indians, and all other unlocated lands within the limits of said state, claimed as Creek land, and to authorize the Governor to call out a military force to protect surveyors in the discharge of their duties, and to provide for the punishment of persons who may prevent, or attempt to prevent any surveyor from performing his duties, as pointed out by this act, or who shall wilfully cut down and deface any marked trees, or remove any landmark which may be made in pursuance of this act, and to protect the Indians in the peaceable possession of their improvements, and of the lots on which they may be situated," passed on the 21st day of December, 1830, and to order the immediate survey, distribution and occupancy of the territory.

1831.

*Be it enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met, and it is hereby enacted by the authority of the same,* That so much of the thirteenth section of the above recited act, as requires a residence of four years within the organized limits of this state, immediately preceding the time his excellency the Governor shall issue the notification, be and the same is hereby repealed, and that all persons possessing the other qualifications contained in said act, who have been inhabitants within the organized limits of this state three years immediately preceding the first day of January, eighteen hundred and thirty-two, shall be entitled to a draw or draws, as contemplated by said act.

SEC. 2. *And be it further enacted by the authority aforesaid,* That the fifteenth section of said act be, and the same is hereby repealed.

SEC. 3. *And be it further enacted by the authority aforesaid,* That so much of the thirty-fifth section of said act, as declares, "and in the event that the President of the United States shall at any time during the ensuing recess of the legislature, succeed in executing the compact between the United States and the state of Georgia, in relation to the Cherokee lands, that the Governor shall order the district surveyors to proceed to the discharge of their duties, and to the completion of the survey of the districts, as required by this act, and to the occupancy of said territory, otherwise the survey of the districts shall be suspended until the meeting of the next Ge-

neral Assembly, and until further enactment for this purpose," **Georgia, 1831.**  
 be, and the same is hereby repealed.

**SEC. 4.** *And be it further enacted by the authority aforesaid,* That on the first day of April next ensuing, the Governor is hereby required to order out the district surveyors for completing the surveys of said territory, with as little delay as possible; and when the said survey shall be completed and returns thereof made, in conformity with the provisions of said act, it shall be the duty of the Governor, in case he shall deem it for the interest of the state, to cause the lottery commissioners to assemble at Milledgeville, to commence the drawing of the lottery, as contemplated by this act.

An act to lay out the gold region in the lands at present in the occupancy of the Cherokee Indians, into small lots and dispose of the same, by separate lottery.

*Be it enacted by the Senate and House of Representatives of the state of Georgia, in General Assembly met, and it is hereby enacted by the authority of the same,* That districts number one, two, three, four, five, eleven, twelve, thirteen, fourteen, and fifteen, in the first section; districts number one, two, three, fifteen, sixteen, seventeen, eighteen, nineteen, and twenty-one, in the second section; districts number one, two, three, four, seventeen, eighteen, nineteen, twenty and twenty-one, in the third section; and districts number one, two, three, sixteen, and seventeen, in the fourth section; shall by the surveyors heretofore pointed out by law, be subdivided into lots of forty acres each, by lines running parallel with the district lines, at the distance of twenty chains apart, and crossed by other lines at right angles and of the like distance from each other, marked and numbered according to the plan prescribed by the Surveyor General.

**SEC. 2.** *And be it further enacted,* That the following shall be the description and qualification of persons entitled to a draw under this act, to wit: every white male person of the age of eighteen years and upwards, being a citizen of the United States and an inhabitant within the organized limits of this state three years, immediately preceding the 1st day of January, 1832, including such as shall be absent on lawful business, shall be entitled to one draw, but no person shall be entitled to a draw under this act, who has a family residing out of this state, or whose family has not resided in this state, for three years as aforesaid, except officers in the army or navy of the United States, provided said person has had a family so long.



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1831.

All widows with like residence, shall be entitled to one draw.

All families of orphans of like residence except such as may be entitled in their own right, shall have one draw.

And all heads of families, one additional draw in consideration of their families.

SEC. 3. *And be it further enacted*, That separate lists of persons entitled to a draw under this act, shall be made out and returned by the same persons authorized to take in names of persons entitled to draws by an act, entitled "An act to authorize the survey and distribution of the lands within the limits of Georgia, in the occupancy of the Cherokee tribe of Indians, and all other unlocated lands within the limits of said state, claimed as Creek land, and to authorize the Governor to call out a military force to protect surveyors in the discharge of their duties, and to provide for the punishment of persons who may prevent, or attempt to prevent, any surveyor from performing his duties as pointed out in this act, or who shall wilfully cut down and deface any marked trees, or remove any land marks which may be made in pursuance of this act, and to protect the Indians, in the peaceable possession of their improvements, and of the lots on which the same may be situate," approved the twenty first of December, one thousand eight hundred and thirty.—And the person or persons taking in names as aforesaid, shall administer to all applicants for draws under this act, other than widows, guardians or next friend of orphans, the following oath, viz: "I do solemnly swear (or affirm,) that I am a citizen of the United States, and have resided in this state three years, immediately preceding the 1st day of January, 1832, except absent on lawful business and am an inhabitant of the same, that I am eighteen years of age, that I have not given in my name for any draw in the present contemplated land lottery of the gold region in any other part of the state, and that I did not directly or indirectly evade the service of this state or the United States in the revolutionary war, or in the late wars against Great Britain or the Indians—So help me God." And the following oath shall be administered to all widows, "I do solemnly swear (or affirm) that I am a widow, that I have resided in this state three years, immediately preceding the 1st day of January, 1832, except absent on lawful business, and am now a resident of this district, that I have not given in my name for any draw in the present contemplated land lottery of the gold region, in any other part of the state—So help me God." And all guardians, or next friends of orphans, shall take the

following oath, "I do solemnly swear (or affirm) that the orphan or family of orphans, whom I return, is or are entitled to a draw under this act, to the best of my knowledge—So help me God," and the persons authorized to take in the names of those who are entitled to a draw under this act, shall receive twenty-five cents from such applicant for each draw, and the following oath shall be administered to all heads of families, I. A. B. do solemnly swear that I am a married man, with a family—So help me God.

SEC. 4. *And be it further enacted*, That as soon as said lists are made out and returned as aforesaid, his excellency the Governor for the purpose of carrying the lottery into effect, shall cause the names of persons entitled to draws together with other designatory remarks of residence, &c. to be placed on tickets as nearly similar as possible, which shall be deposited in one wheel, and the prizes on tickets of the like description, shall be deposited in another wheel, which prizes shall consist of all square lots of forty acres, each lying in the above named districts, and from each wheel as nearly at the same time as may be a ticket shall be drawn, and delivered to the superintending managers, and so on, until the whole number of prizes are drawn out in manner prescribed by the above recited act.

SEC. 5. *And be it further enacted*, That the land pointed out in this act, shall be drawn by separate lottery, from the one contemplated in the above recited act, and shall be conducted by the same commissioners and under the same rules and regulations, as pointed out in said act, and other services required to be done by this act not particularly specified, shall be done by the same officers, and in the same manner as said act prescribes, that all persons who may draw land by authority of this act, shall in like manner receive a grant for the same on payment of the ten dollars, and also that fraudulent returns shall be subject to the same forfeitures, and prosecuted in the same manner as pointed out in the above recited act.

SEC. 6. *And be it further enacted*, That nothing in this act contained shall be so construed, as to authorize the survey or lottery of the land pointed out in this act, until the time that the above recited act is authorized to be carried into effect, by authority of the state.

SEC. 7. *And be it further enacted*, That all laws militating against this act shall be, and are hereby repealed.

**KENTUCKY.—1810.**

An act concerning the extinguishment of the Indian claim to certain lands within this commonwealth.

Kentucky,  
1810.

The people of Kentucky, taking into view the Indian incumbrance (by a treaty with the United States,) on the lands within this state below the Tennessee river, a large portion of which had been, by the state of Virginia, sold to officers and soldiers, and treasury warrant claimants, who are deprived of the use thereof, and taking into view the probable willingness of the Indians to extinguish the incumbrance; and that the United States having funds, more than sufficient, arising from the sale of lands on the north-west side of the Ohio river, which were ceded by the state of Virginia, subsequent to her sales aforesaid; and hoping that the United States were willing to procure the extinguishment aforesaid, passed a resolution in their general assembly, approved the 11th day of February, 1809, in order to obtain the attention of the general government; but it is presumed the executive of the United States hath not embraced the same views of the subject, and hath desired an agent to be appointed on the part of this state, to act in the contemplated treaty, thereby to render the state of Kentucky liable for the payment of the purchase money, and it being deemed necessary that the subject should be farther explained between this government and the United States government, and the treaty procured at the expense of the United States: therefore.

SEC. 1. *Be it enacted by the General Assembly,* That it shall be lawful for the executive of this state to open an explanatory correspondence with the government of the United States, for the purpose of procuring an extinguishment of the Indian claim to all the lands within the Indian boundary within this state, at the costs and charges of the United States.

SEC. 2. *And be it further enacted,* That it shall be lawful for the executive of this state, if he shall deem it necessary, to appoint an agent on the part of this state to attend at any treaty with the Indians, vested with all necessary powers, except that of rendering this commonwealth in any wise, liable for the payment of money.

SEC. 3. The said agent, if appointed, shall, for the time he shall be in actual service, receive a sum not exceeding five dollars per day, which account being liquidated and certified by the governor, shall be audited and paid out of the public treasury.

This act shall be in force from and after its passage.

**TENNESSEE.—1794.**

Extract from an act of the Territorial Assembly of Tennessee, entitled "An act to amend an act establishing courts of law, and for regulating proceedings therein."

"**SEC. 32.** *And be it enacted,* That if any person who shall be summoned as a witness in any of the said courts, or before any person appointed to take depositions as aforesaid, shall refuse to give testimony on oath, such person so refusing shall, by the court, or by the commissioner before whom he shall be summoned, be committed to the common prison, there to remain, without bail or mainprize, until he shall be willing to give testimony in such manner as the law doth or may direct: *Provided,* The people called Quakers shall have the liberty of giving their testimony by way of solemn affirmation, in all causes whatsoever, criminal as well as civil: *And provided also,* That all negroes, Indians, mulattoes, and all persons of mixed blood, descended from negro and Indian ancestors, to the third generation, inclusive, (though one ancestor of each generation may have been a white person) whether bond or free, shall be taken and deemed to be incapable in law to be witnesses, in any case whatever, except against each other: *And provided further,* That no person of mixed blood, in any degree whatsoever, who has been liberated within twelve months previously, shall be admitted as a witness against a white person."

Tennessee,  
1794.

**1807.**

An act making provision for the extinguishment of the Indian claim to lands within the limits of this state.

*Be it enacted by the General Assembly of the state of 1807. Tennessee,* That the sum of twenty thousand dollars of any moneys in either of the public treasuries, not otherwise specially appropriated, shall be a fund, subject to the purpose of holding a treaty or treaties with the Cherokee nation of Indians, and for extinguishing their claim to all or any part of the lands within the limits of this state, and within the limits of the lands relinquished to this state by an act of the Congress of the United States, entitled "An act to authorize the state of Tennessee to issue grants to certain lands therein described, and to settle the claims to the vacant and unappropriated lands within the same."

**SEC. 2.** *Be it enacted,* That as soon as this state shall be vested by the government of the United States with power to hold and conclude a treaty or treaties with the said nation

Tennessee,  
1807.

of Indians, for the purpose aforesaid, agreeably to a resolution of this general assembly, passed November 11th, 1807; or as soon thereafter as the Governor of this state shall deem it expedient to hold such treaty or treaties, he shall have power to draw by warrant, under his hand, on each or either of the said treasurers, for the whole, or any part of said sum, that may be necessary to defray the expenses of holding such treaty or treaties, and for the purpose of extinguishing said claim.

SEC. 3. *Be it enacted*, That upon this state being vested with said power, the governor for the time being, as soon as he shall deem it expedient, may appoint two commissioners on the part of this state, for the purpose of holding and concluding such treaty or treaties, with said nation of Indians.

### OHIO.—1809.

An act to prevent the selling of spirituous liquors to the Indians.

*Be it enacted by the General Assembly of the state of Ohio*,—1809. That if any tavern-keeper, or other person or persons, shall sell or barter any spirituous or other liquids of intoxicating quality, to any Indian or Indians within this state, or convey or attempt to convey, or be instrumental in conveying any of the aforesaid liquors or liquids out of this state, with an intent to dispose of the same to any Indian or Indians, unless authorized by the proper authority, such person or persons shall forfeit and pay a fine not exceeding one hundred dollars, nor less than five dollars, to be recovered with costs of suit, by indictment, in the county where the offence was committed, to be paid into the county treasury; and the person so offending, shall moreover forfeit the article, of whatsoever nature or kind, he, she or they may have received in exchange; which shall be restored to any Indian or Indians claiming the same, on giving satisfactory proof to any justice of the peace, or Judge of any court within this state, that the articles so claimed, are actually the property of the Indian or Indians who make the claim; and all grand jurors, justices of the peace, and judges, are hereby authorized and required to be aiding and assisting, in carrying this law into effect.

This act shall be in force, from and after the first day of June next.

1810.

An act for the relief of certain Moravian Indians of Tuscarawas county.

Whereas it has been represented to this assembly, that the **Ohio,—1810.** money forfeited on the recognizance of a certain Benjamin Venatton, entered into for his appearance to take his trial at the December term of the court of common pleas, held at Steubenville in the year eighteen hundred and eight, for stealing a number of horses from certain Moravian Indians, of Tuscarawas county, has been paid into the treasury of Jefferson county: Therefore,

*Be it enacted by the General Assembly of the state of Ohio,* That the treasurer of Jefferson county is hereby authorized and required (after all the legal costs incurred by the trial of a certain Benjamin Venatton, for stealing horses in the year eighteen hundred and eight, in Jefferson county court, shall be fully satisfied) to pay over the balance of the bond recovered from Venatton's bail, to certain Moravian Indians of Goshen, in Tuscarawas county, to each of the Moravian Indian sufferers aforesaid, upon due proof to him exhibited of the loss sustained by each, in the horses stolen from them by said Venatton, in proportion to such loss.

This act shall take effect and be in force, from and after the passage thereof.

### INDIANA.—1807.

[Whilst a Territory.]

An act prohibiting the sale of ardent spirits and other intoxicating liquors to Indians.

It shall and may be lawful for the Governor of this territory, and he is hereby authorized and empowered, during the sitting of any council, or holding any public treaty or conference, with any Indian nation or tribe, to prohibit, by proclamation, the sale or other disposition of any ardent spirits, or other intoxicating liquors, to any Indian or Indians, by any person or persons, for any purpose, or under any pretence whatsoever, within thirty miles of the place of holding such council, treaty, or conference.

SEC. 2. If any person shall not strictly observe whatever restrictions may be imposed under the authority aforesaid, he, she or they so offending, shall, on conviction, by indictment or prosecution, be fined in a sum not exceeding five hundred dollars, nor less than fifty dollars, and in case of inability to pay the fine with costs, shall be imprisoned not more than six months, nor less than three months.

Indians,  
1807.

SEC. 3. If any trader or other person whatsoever, residing in, coming into, or passing through the said territory, or any part thereof shall presume to furnish, vend, sell or give, or shall procure to be furnished, vended, sold or given, upon any account whatever to any Indian or Indians, or nation or tribe of Indians, being within the territory, or waters adjoining to, or bounding the same, any rum, brandy, whiskey, or other intoxicating liquor, or drink, he, she or they so offending, shall, on conviction, by presentment or indictment, forfeit and pay, for every such offence, any sum not exceeding one hundred nor less than five dollars, to the use of the territory: *Provided*, That nothing herein contained shall be taken or construed to impair or weaken the powers and authority that now are, or at any time hereafter may be vested in the Governor, or other person as superintendent, or agent of Indian affairs, or commissioner plenipotentiary for treating with Indians.

The third section of this act shall commence and be in force, when, and as soon as the Governor of this territory shall be officially notified, that the states of Kentucky and Ohio, and the territories of Louisiana, and Michigan, have passed, or shall pass laws prohibiting the sale or gifts of intoxicating liquors to Indians, within their respective states and territories: and it shall continue in force so long as the said acts made or to be made in the said states or territories, shall continue in force therein.

The Governor of the territory is requested to transmit copies of the third section of this law to the Governors of the several above mentioned states and territories.

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An act to prevent the disposing of arms and other warlike implements, and ammunition to Indians and others.

1807.

Whereas it has been represented to the General Assembly, that there is reason to expect hostilities from some of the neighboring tribes of Indians, whilst others, more contiguous, seem disposed to preserve the friendship of the United States: *And whereas*, The laws of the United States, do not prevent the sale of arms and ammunition to the peaceful tribes or others within the settled parts of the country, through which those that may prove hostile, may procure the same:

SEC. 1. *Be it therefore enacted by the Legislative Council and House of Representatives, and it is hereby enacted by the authority of the same*, That the executive of the territory for the time being, be, and he is hereby authorized and empowered by proclamation to prohibit the furnishing by

sale, gift, or otherwise, all, and every species of warlike weapons, Indians, and implements; ammunition or warlike stores, to any 1807. Indian or Indians, dwelling within, or without the limits or lines of the several counties in this territory, when in his opinion the public welfare and safety may require such prohibition.

Sec. 2. *And be it further enacted*, That any person or persons, who shall directly or indirectly, by gift, present, donation, loan, sale or otherwise furnish and provide, or have furnished and provided any Indian or Indians, with any article of ammunition, such as flints, powder, lead or balls, or with any warlike implements or deadly weapons, such as knives, spears, battle axes, tomehawks, pistols, fusils, rifles, smooth bores, or muskets, contrary to the proclamation of the executive, as aforesaid, every person or persons, so offending, shall, upon conviction by indictment or presentment, in any court of record in this territory, be fined in any sum not exceeding one thousand dollars, be whipped publicly, any number of stripes, not exceeding one hundred well laid on, and be imprisoned for a term not exceeding five years, at the discretion of the court before whom the same may be tried, and moreover, shall stand committed, after having received the stripes, until the fine and costs be paid.

This act shall take effect from and after the passing thereof, and shall continue in force until the end of the next session of the General Assembly.

### 1810.

An act regulating the trade with Indians within the part of the territory to which the Indian title has been extinguished, and for other purposes.

Whereas the Governor has informed this General Assembly 1810. bly, that the President of the United States, had directed him to recommend to the legislature of the territory, the passage of a law to prevent the sale of ardent spirits to the Indians: *And whereas* it appears probable from certain documents which have been laid before the General Assembly, by the Governor, that the negotiations between the United States and the Indian tribes are much interrupted by the interference of mischievous individuals, and that the harmony and good understanding between the United States and the said tribes are likely to be interrupted, and the peace which has so long and so happily subsisted, jeopardized by such improper and unpatriotic conduct: *And whereas* this General Assembly is desirous to shew its respect for the general government, and



Indiana,  
1810.

to promote as far as possible its humane and benevolent policy of civilizing the Indians, an attempt which can never be successful as long as the means of intoxication are within their reach, and being desirous also to facilitate those extinguishments of Indian title, which are at once so beneficial to the United States, their constituents, and the Indian tribes—therefore as well for the purposes aforesaid, as to relieve their constituents from the injuries which they sustain from the depredations committed by Indians coming into the settlements to trade:

**SEC. 1.** *Be it enacted by the Legislative Council and House of Representatives of the Indiana territory, and it is hereby enacted by the authority of the same,* That from and after the first day of March next ensuing, no person shall be allowed to trade with any Indian or Indians, within the lands to which the Indian title has been extinguished, without having previously obtained a license from the Governor of the territory, and having previously given bond with one or more securities to the Governor and his successors in office for the use of the territory, in the same penalty and under the same conditions as are required by the laws of the United States, from persons trading with Indians in the Indian country: *Provided,* That nothing herein contained shall prevent any person within this territory from purchasing any kind of meat, sugar, or any article of Indian manufacture, from any Indian or Indians, or shall prevent any person from purchasing with the produce of his or her farm, ardent spirits excepted, any such article, or any skins or furs.

**SEC. 2.** *Be it further enacted,* That the trade with the Indians, except as before excepted, shall be confined to such places on the frontiers as the Governor may designate, and where the ingress of the Indians may not be considered prejudicial to the persons and property of the good citizens of this territory.

**SEC. 3.** *Be it further enacted,* That from and after the first day of March next ensuing, no person or persons shall sell, barter or give any ardent spirits or spirituous liquors to any Indian or Indians within the part of this territory to which the Indian title is extinguished.

**SEC. 4.** *Be it further enacted,* That any person or persons offending against any of the provisions of the preceding sections of this act, he, she or they, on conviction thereof by indictment, in any court of competent jurisdiction, shall, for the first offence, pay a fine not exceeding five hundred dollars, nor less than one hundred dollars, and for every

succeeding offence, a fine not exceeding six hundred dollars, <sup>Indians,</sup> nor less than two hundred dollars. 1810.

**SEC. 5.** *Be it further enacted,* That if any person or persons shall, without the permission or authority of the government of the United States, or of this territory, directly or indirectly, commence or carry on, any verbal or written correspondence or intercourse, with any Indian nation or tribe, or any chief, sachem, or warrior of any Indian nation or tribe, with an intent to influence the measures or conduct of any Indian nation or tribe, or any chief, sachem or warrior of any Indian nation or tribe, in relation to any negotiations or treaties, disputes or controversies with the United States or this territory, or to defeat the measures of the government of the United States or this territory, if any person or persons, not duly authorized, shall counsel or advise, aid or assist in any such correspondence, with intent aforesaid, he, she or they shall be deemed guilty of a high misdemeanor, and on conviction thereof before any court having jurisdiction thereof, shall be punished by a fine not exceeding three thousand dollars and not less than one thousand dollars: *Provided,* That nothing herein contained shall be construed to impair or abridge the right of individual citizens of the United States to apply by themselves or their lawful agents, to any Indian nation or tribe, or to any chief, sachem or warrior of any Indian nation or tribe, for the redress of any injuries in relation to person or property which such individuals may have sustained from such Indian nation or tribe, or any chief, sachem or warrior thereof.

**SEC. 6.** *And be it further enacted,* That no person who, by this, or any subsequent act, shall have the power of issuing licenses to trade with the Indians shall have any concern or interest in any such trade; and any person so offending, shall on conviction thereof, by indictment in any court of competent jurisdiction, pay a fine not exceeding three thousand nor less than five hundred dollars: *Provided always,* That nothing herein contained shall prevent the persons who issue licenses from purchasing of any Indian or Indians, any of the articles mentioned in the first section of this act, in the same manner, and under the same restrictions as other citizens of the territory are permitted to do by said section: *And provided always,* That nothing in this act contained, shall prevent the United States' superintendent of Indian affairs, or other agent of the United States from issuing ardent spirits to the Indians at the expense, and on account of the United States, or shall prevent the said superintendent, or other agent from treating, at their respective houses, any Indian or Indians, during any treaty or other conference.

1831.

Extract from "an act regulating the practice in suits at law."—[From Revised Laws.]

Indiana,  
1831.

"SEC. 37. No negro, mulatto or Indian, shall be a witness, except in pleas of the state against negroes, mulattoes or Indians, and in civil cases where negroes, mulattoes or Indians alone are parties. Every person other than a negro, having one fourth part or more of negro blood, or any one of whose grandfathers or grandmothers shall have been a negro, shall be deemed a mulatto."

### ILLINOIS.—1813.

[Whilst a Territory.]

An act prohibiting the trading with Indians, &c.

Illinois,  
1813.

Whereas it has been represented by the executive of this territory, and the chief of the tribe of the Kaskaskia Indians, that the vending of ardent spirits, and other intoxicating liquors to the Indians of the said tribe, is productive of great evils to the community, and of serious injury to the said tribe, and that to tolerate the purchase of arms, clothing, horses, and other articles necessary for their use, and comfort, would tend to encourage intemperance and wretchedness, to which these unfortunate beings are hastening; for remedy whereof,

SEC. 1. *Be it enacted by the Legislative Council and House of Representatives, and it is hereby enacted by the authority of the same,* That if any trader or other person whosoever residing or coming into, or passing through the said territory, shall presume to furnish, vend or sell, or shall procure to be vended or sold upon any account whatever to any Indian or Indians being within this territory or waters adjoining to the same, any brandy, rum, whiskey or other intoxicating liquor, he, she or they so offending shall on conviction of the same, by presentment or indictment, forfeit and pay for every such offence, any sum not exceeding twenty dollars, nor less than five; one half to the use of the territory, and the other half to the informer.

SEC. 2. *Be it further enacted,* That if any person or persons, shall purchase or receive of any Indian in the way of barter, or trade, a gun or other article commonly used in hunting, or any instrument of husbandry or cooking utensil, or clothing, or horse, shall forfeit and pay any sum not exceeding fifty dollars, nor less than ten, to the use of the territory, to be recovered as is directed in the former section, one half to the use of the territory and the other to the use of the

informer: *Provided*, That nothing herein contained shall be <sup>Illinois,</sup> so construed as to restrain any person from trading with Lewis <sup>1816.</sup> Decoigne, the chief of the Kaskaskia Indians, for any article that he may deem necessary in behalf of said tribe, nor so as to impair or weaken the powers and authority that now, or at any time hereafter, may be vested in the Governor, or other person, as superintendent or agent of Indian affairs, or commissioner plenipotentiary for treating with Indians, within this territory.

This act to be in full force from and after the first day of January next.

### 1814.

An act to promote retaliation upon hostile Indians.

Whereas the hostile incursions of the savages and their <sup>1814.</sup> indiscriminate slaughters of men, women and children, have been often repeated under circumstances aggravating the horror of such sanguinary scenes and producing great affliction and distress among the inhabitants of this territory.

And whereas nothing is so well calculated to check the progress or prevent the repetition of those attacks on the part of those blood thirsty monsters, as successful pursuit and retaliation upon them; to effect which it becomes expedient to offer sufficient encouragement to the bravery and enterprize of our fellow-citizens, and those other persons now engaged or that hereafter may be engaged in the defence of our frontier: Therefore,

**SEC. 1.** *Be it enacted by the Legislative Council and House of Representatives, and it is hereby enacted by the authority of the same,* That if any Indian or Indians shall hereafter make an incursion into our settlements with hostile intentions and shall commit any murder or depredation, and any citizen or citizens or strangers or other persons engaged in the defence of our frontier shall pursue and overtake and take prisoner, or prisoners, or kill any Indian or Indians that may have so offended such person or persons shall if they be citizens merely receive a reward for each Indian so taken or killed, the sum of fifty dollars, and if they be rangers or other persons actually at that time engaged in the defence of our frontier, such person or persons shall be entitled to a reward of twenty-five dollars.

**SEC. 2.** *Be it further enacted,* That if any party of citizens having first obtained permission of the commanding officer on our frontier to go into the territory of any hostile In-

Illinois,  
1814.

dian, shall perform any such tour and shall kill any Indian warrior, or take prisoner any squaw or child, in the country of said hostile Indians, such person shall be entitled to a reward of one hundred dollars, for each Indian warrior killed and each squaw or child taken prisoner.

SEC. 3. *Be it further enacted*, That if any party of rangers or other persons, now engaged or that may hereafter be engaged in the defence of our frontier, not exceeding fifteen in number, shall with the leave of the officer make a voluntary incursion into the country of any hostile Indians, and shall kill any Indian warrior or warriors, or take and bring away any squaw or squaws, child or children, in and from the country of said Indians, such persons as aforesaid, shall be entitled to a reward of fifty dollars for each Indian warrior killed as aforesaid, and each squaw or child so taken prisoner.

SEC. 4. *Be it further enacted*, That proof of any of the before mentioned facts, to entitle any person or persons to the reward given by this law, shall be made before the judges of any county court, or any two of said judges who upon full proof being made before them, shall certify the same to the auditor of public accounts, who shall audit the amount due to such person or persons, and give to him or them a warrant on the treasurer, for the amount thereof, which shall be paid out of any money in the public treasury. This act shall commence and be in force from and after the passage thereof.

An act concerning the Kaskaskia Indians.

1814.

Whereas a former law of this legislature has been found insufficient to prevent evil disposed persons from selling and giving intoxicating drinks to the Kaskaskia Indians, or from cheating and defrauding the said Indians, out of their property by pretended or real purchases, and whereas the former practice is productive of disorder, and other pernicious consequences, and the latter a violation of moral justice and good policy: for remedy thereof,

SEC. 1. *Be it enacted by the Legislative Council and House of Representatives, and it is hereby enacted by the authority of the same*, That if any white person or free person of colour either male or female shall hereafter without license from the Governor as superintendent of Indian affairs within this territory, or from some sub-agent appointed by him, either sell or give to any Kaskaskia Indian or any other Indian, residing with them, any quantity of whiskey, gin, brandy, rum, cider or any other intoxicating drink, such per-

son so offending, shall forfeit and pay twenty dollars, to be recovered upon warrant before any justice of the peace, who shall, upon conviction of such offence, issue execution returnable in thirty days against either the body or goods of such offender as may be required of the said justice of the peace, and upon such execution there shall be no security whatever taken.

SEC. 2. If either of the offences stated in the above section, shall be committed by any negro or mulatto, being the slave or servant of any person whatever, it shall be the duty of a justice of the peace upon application to him, made according to law to issue his warrant against such negro or mulatto and upon proof of the offences abovementioned or either of them, having been committed by said negro or mulatto, the justice of the peace before whom such proof may be made, shall order him or her so offending, to receive on his or her bare back, if for the first offence fifteen lashes, and for every subsequent offence of like kind, double that number: *Provided, however,* That the said corporeal punishment shall not be inflicted if the owner or any other person, will in behalf of said negro or mulatto, pay the sum of twenty dollars for each offence respectively.

SEC. 3. That it shall not be lawful for any person whatever without license from the Governor or some sub agent appointed by him, to purchase or receive by gift or otherwise, of any of the before mentioned Indians, any horse, mare, gun, tomahawk, knife, blanket, strouding, calico, saddle, bridle, or any goods, wares, or merchandise whatever, that all such sales and purchases or gifts, shall be considered as fraudulent on the part of the buyer or receiver, and that any white person or free person of colour whatever, so buying or receiving any such articles of any one of those Indians, shall be liable to pay a fine of twenty dollars to be recovered before a justice of the peace, who shall, upon conviction of any such offender, issue execution in like manner, as is directed in the first section of this act, and the said offender shall restore the article or articles so bought or received and shall moreover be liable to a suit in the Supreme court for the fraud of buying or receiving any such article aforesaid, whatever the amount of value thereof may be, and in all cases of judgment against him or her, he or she shall pay the costs.

SEC. 4. If either of the offences stated in the last preceding section of this act shall be committed by any negro, or mulatto, being the slave or servant of any other person, the said negro or mulatto so offending, shall be subject to the same

Illinois,  
1814.

proceedings and punishment, under the same conditions as are prescribed in the second section of this act, and the owner shall either cause said negro or mulatto, to restore any article or articles so purchased or received by him or her, or said owner shall be liable in default thereof, to the same proceedings as if such owner had actually himself or herself bought or received the said article or articles contrary to the intention of this law.

SEC. 5. In all the above cases and in all other cases of injuries done to the said Indians, it shall be lawful for the Governor of the territory or any sub-agent appointed by him, to sue or warrant as the case may require, in behalf of any such injured Indian.

SEC. 6. All fines imposed by this law, after deducting thereout all necessary expenses, shall be paid by the Governor or a sub-agent to the injured Indian or Indians.

SEC. 7. It shall be the duty of all justices of the peace, sheriffs and constables; to aid and assist in the execution of this law according to their respective offices.

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### MISSISSIPPI.—1830.

An act to extend the laws of the state of Mississippi, over the persons and property of the Indians resident within its limits.

Mississippi,  
1830.

*Be it enacted by the Senate and House of Representatives of the state of Mississippi in General Assembly convened,* That, from and after the passage of this act, all the rights, privileges, immunities, and franchises held, claimed or enjoyed, by those persons called Indians, and their descendants, and which are held by virtue of any form of policy, usage, or custom, existing among said persons, not particularly recognized and established by the common law, or statutes of the state of Mississippi, be, and the same are hereby, wholly abolished and taken away.

SEC. 2. *Be it further enacted,* That all the rights, privileges, immunities, and franchises, held and enjoyed by free white persons, inhabitants of the said state, be, and the same are hereby, given, granted, and extended, to the said persons called Indians, and their descendants, in as full and ample a manner as the same can be done by act of the General Assembly.

SEC. 3. *Be it further enacted,* That all the laws, statutes, and ordinances, now in force in the said state of Mississippi, be, and the same are hereby, declared to have full force, power, and operation, over the persons and property of and within the territory now occupied by the said Indians.

SEC. 4. *Be it further enacted*, That all marriages, matrimonial connexions, or associations, entered into by virtue of <sup>Mississippi, 1830.</sup> any usage or custom of the said Indians, and by them deemed valid, be, and the same are hereby, declared to be as binding and obligatory, as if the same had been solemnized according to the laws of this state.

SEC. 5. *Be it further enacted*, That any person or persons who shall assume on him or themselves, and exercise in any manner whatever the office of chief, mingo, head man, or other post of power established by the tribal statutes, ordinances, or customs of the said Indians, and not particularly recognized by the laws of this state, shall, on conviction upon indictment or presentment before a court of competent jurisdiction, be fined in any sum not exceeding one thousand dollars, and be imprisoned any time not exceeding twelve months, at the discretion of the court before whom conviction may be had.

SEC. 6. *Be it further enacted*, That the boundaries specified in an act, entitled "An act to extend legal process into that part of the state, now occupied by the Chickasaw and Choctaw tribes of Indians,"\* passed February 4, 1829, shall be so construed as to make all legal process returnable as by that act required.

### ALABAMA.—1820.

An act giving jurisdiction to the courts of certain counties.

*Be it enacted by the Senate and House of Representatives of the state of Alabama, in General Assembly convened*, That the circuit court of Cotaco, shall have jurisdiction, and the county shall embrace all that tract of country lying west of Willstown valley, and belonging to the Cherokee nation of Indians. And the county of St. Clair shall embrace all the tract of country belonging to the Cherokee nation of Indians, in Willstown valley and east of the same.

SEC. 2. *And be it further enacted*, That the expenses of prosecuting and supporting criminals who are prosecuted for

\* Every exertion has been made to obtain a copy of the law here referred to, without success. Through the politeness of Mr. Plummer, the Representative in Congress from the state of Mississippi, the following outline of the same has been furnished:

"The act to extend legal process into that part of the state, now occupied by the Chickasaw and Choctaw tribes of Indians, attaches the two nations to the counties adjacent thereto, by described boundaries and lines, and extends the civil jurisdiction of the courts of the state over all white persons within the limits of the territory, in the occupancy of the Indians."



Alabama,  
1831.

offences committed on Indian lands, shall be paid out of the contingent fund, upon a certificate of the Judge; made out as in cases now provided for by law.

SEC. 3. *And be it further enacted*, That all acts and parts of acts, contravening this act, shall be, and the same are hereby repealed.

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 1821.

An act to amend an Act giving jurisdiction to certain counties therein named, over that part of the Cherokee lands lying within the limits of the state of Alabama.

1829.

*Be it enacted by the Senate and House of Representatives of the state of Alabama, in General Assembly convened*, That the Circuit court of Jackson shall have jurisdiction, and the county shall embrace all that tract of country lying west of Willstown valley, and east of the road leading from Ditto's landing on Tennessee river to Blountsville.

SEC. 2. *And be it further enacted*, That all acts and parts of acts, coming within the purview of this act are hereby repealed.

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 1829.

An act to extend the jurisdiction of the state of Alabama over the Creek nation.

*Be it enacted by the Senate and House of Representatives of the state of Alabama, in General Assembly convened*, That all the territory within the following boundaries, to wit: Beginning on the bank of Coosa river, at the mouth of Kiamulga creek, and running thence with McIntosh's road to the Georgia line; thence with the said line, northwardly to the boundary line between the Creek and Cherokee nations; thence, westwardly, with the said last named boundary, to the mouth of Will's creek, on Coosa; thence, down Coosa, to the beginning, shall be added to, and form a part of, the county of St. Clair. And all the territory in the following boundaries, to wit: Beginning at the mouth of Kiamulga, and running thence down the Coosa river to Fort Williams; thence, in a direct line, to Miller's bend, on the Chatahouchee; thence, with the boundary line between Alabama and Georgia, to where it crosses McIntosh's road; thence, with said road, to the beginning, shall be added to, and form a part of, the county of Shelby. And all the territory within the following boundaries, to wit: Beginning at Fort Williams, and running down Coosa river to Wetumpka Falls; thence, along the Indian boundary line, to the road leading from Pen-

sacola to Kendall Lewis' old stand, on the Federal road; Alabama, thence, along said road, to the Chatahouchee river; and all <sup>1829</sup> territory north of the aforesaid line, and not attached to any other county, shall belong to, and form a part of, the county of Montgomery; and all Indian territory lying south of the before described line, shall belong to, and form part of, the county of Pike.

SEC. 2. *And be it further enacted*, That the jurisdiction of the Circuit courts of the above named counties be, and the same is hereby, extended over their respective limits, as established in the preceding section.

SEC. 3. *And be it further enacted*, That the jurisdiction of the Orphans' courts and courts of revenue of the above named counties, shall, after the first day of March, one thousand eight hundred and thirty, be extended over so much of their respective limits as now constitutes a part of the Creek nation.

SEC. 4. *And be it further enacted*, That it shall be the duty of the court of roads and revenue in the above counties, on the first Monday of July next, or shortly thereafter, to appoint a suitable person, whose duty it shall be to make an accurate census of the Indian population residing in his county, classing them into separate classes, to wit: Those under ten years, over ten and under twenty-one, over twenty-one and under forty-five, and those over forty-five, the males and females into separate columns, noting the number of mixed blood, and also the number of slaves owned by the Indian population, and make return thereof to the clerk of the county court of the county, respectively, and to the Secretary of State, as soon as practicable.

SEC. 5. *And be it further enacted*, That the person so appointed shall be entitled to three dollars a day, for the length of time that the court of revenue shall certify as necessary to perform said service; and that the same be a charge upon the State Treasury, subject to be reimbursed by such new counties as may hereafter be established out of the Creek Indian territory.

SEC. 6. *And be it further enacted*, That nothing in this act shall be so construed as to impose taxation or militia duty on the Indians, until the same be specially authorized by the state legislature.

SEC. 7. *And be it further enacted*, That the sheriffs of said counties, for the service of any process in the Creek nation, shall be entitled to such compensation as the presiding judge of the Circuit court, to which such process is returnable,

Alabama,  
1829.

shall certify, at the trial, is just and proper; and the same shall be taxed in the bill of cost.

SEC. 8. *And be it further enacted*, That the Secretary of State be required forthwith to furnish the agent of the Creek Indians, and each of our Senators in Congress, with a copy of this act.

### MISSOURI.—1824.

An act to restrain intercourse with Indians within this state.

Missouri,  
1824.

*Be it enacted by the General Assembly of the state of Missouri*, That any citizen, or other person, who shall attempt to reside in any town or hunting camp, of any Indian tribe, within this state, as a trader, without a license from the proper authorized agent of the United States, shall forfeit all the merchandize offered for sale to the Indians, or found in his possession; and shall, moreover, be fined, not exceeding one hundred dollars, and imprisoned, not exceeding thirty days.

SEC. 2. *Be it further enacted*, That if any such citizen, or other person, shall induce any Indian to come into the white settlements, for the purpose of trade, or shall purchase or receive of any Indian, in the way of trade or barter, a horse, a gun, or other article commonly used in hunting, any instrument of husbandry, or cooking utensil, of the kind usually obtained by the Indians in their intercourse with the white people, or any article of clothing, excepting skins or furs, he shall be fined in a sum not exceeding fifty dollars, and be imprisoned, not exceeding thirty days: *Provided*, That no person shall incur the above penalties by trading with any of those tribes of Indians, settled on the waters of the Merri-mack, in Franklin county, or on the waters of the St. Francois river.

SEC. 3. *Be it further enacted*, That if any person within this state, except by permission from the proper authorized agent of the United States, shall sell, exchange, furnish, or give, to any Indian, any spirituous, vinous, or other strong liquor, and shall be convicted thereof, he or she shall forfeit and pay a sum not less than thirty nor more than one hundred and fifty dollars, or shall be imprisoned, not exceeding thirty days, nor less than ten, at the discretion of the court.

SEC. 4. *Be it further enacted*, That all the offences created by this act, shall be tried and punished in the circuit courts of the counties in which the same may be perpetrated, respectively, upon the indictment or presentment of a grand jury;

and all fines, penalties, and forfeitures, accruing under this act, shall be, for the use of the county in which the conviction is had; and the several judges shall give this act in charge to the grand jury. <sup>Missouri, 1824.</sup>

This act shall take effect and be in force from and after the passage thereof.

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### FLORIDA TERRITORY.—1827.

An act to prevent Indians from roaming at large through the Territory.

*Be it enacted by the Governor and Legislative Council of Florida, 1827. the Territory of Florida,* That from and after the passage of this act, if any male Indian of the years of discretion, venture to roam or ramble beyond the boundary lines of the reservations which have been assigned to the tribe or nation to which said Indian belongs, it shall and may be lawful for any person or persons to apprehend, seize and take said Indian, and carry him before some justice of the peace, who is hereby authorized, empowered and required to direct (if said Indian have not a written permission from the agent to do some specific act) not exceeding thirty-nine stripes, at the discretion of the justice, on the bare back of said Indian; moreover to cause the gun of said Indian (if he has one) to be taken from him, and deposited with the colonel of the county, or captain of the district in which said Indian may be taken, subject to the order of the superintendent of Indian affairs.

Sec. 2. *And be it further enacted,* That no general license, to roam or remain out of said limits for the purpose of hunting, shall be received by said justice as an excuse for any Indian, when found without his assigned limits.

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### 1831.

An act regulating our citizens trading with the Indians, and for other purposes therein mentioned.

WHEREAS, the safety, welfare and tranquillity of the Territory of Florida, do in a great measure depend on the maintaining the good correspondence between the citizens of this territory and the Indians in amity with the good people of the same: And whereas, many inconveniences have arisen from private persons trading with them without licenses:

*Be it enacted by the Governor and Legislative Council of the Territory of Florida,* That for the better preventing dis-

Florida, 1851. turbance among the Indians by persons bartering with them in the woods; or hunting within their limits, or in any otherwise trespassing on the same, that from and after the first day of March next, it shall not be lawful for any person or persons to sell, barter or exchange with any Indian or Indians, any rum, or other strong liquors, clothing, arms, ammunition or any thing whatsoever, in the woods, in their hunting grounds, or within our settlements; or at any other place, other than a storehouse, or at stores, or houses licensed for that purpose; or shall hunt, or trespass on the lands beyond the present boundary line—And every one, so offending as aforesaid, shall forfeit and pay, upon legal conviction, before any court of this territory having jurisdiction of the same, the sum of five hundred dollars, good and lawful money, one half thereof to be paid to him, her, or them, who shall sue for and prosecute such offenders to conviction, and the other half for the use of the territory; and if such offenders shall not have sufficient effects whereon to levy such fine, then in every such case the offender shall suffer corporeal punishment, by whipping, not exceeding thirty-nine lashes on the bare back, to be inflicted, by order of the judge of the court, at which such offender shall have been convicted. And the Justices of the Peace upon complaint made of any such offence, are hereby authorized, and required, to bind over the offender by recognizance, with sufficient securities, for his appearance at the next court having jurisdiction of the same, to answer such action, or information as shall then be brought or exhibited against him, her or them, pursuant to this act; and for want of sureties, to commit such offenders to the common jail.

SEC. 2. *Be it further enacted*, That from and after the first day of March next, if any person or persons whatsoever, (other than such as duly take out license, or licensed from the proper authority) shall directly, or indirectly, trade or traffic with any Indian or Indians, except for the necessary supply of provisions, in their passing or repassing to and from the nation, or shall presume to erect, or set up any houses, or huts on the lands reserved for the Indians, shall be proceeded against as before directed.

SEC. 3. *And be it further enacted*, That all and every person or persons, whites, half breeds, Indians, mulattoes, or mustigoes, who shall inveigle, steal, or carry away any slave, or slaves, or shall hire, aid or counsel any person, or persons to inveigle, steal or carry away as aforesaid any such slave or slaves, or shall aid any such slave or slaves in running away from his owner or employers' service, or shall give a ticket or

pass, whereby such slave shall depart from the service of his Florida, 1864, or her, said owner, manager, or employer, shall be, and he, and they are hereby declared guilty of felony, and being thereof convicted, shall be punished by a fine not exceeding five hundred dollars, or whipping not exceeding thirty-nine stripes, or imprisonment not exceeding two years, at the discretion of the court. And so much of the laws now in force as militate against, or contradict this law, be, and the same are hereby repealed.

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An act to extend the laws over the Indians within the territory of Florida.

*Be it enacted by the Governor and Legislative Council 1851. of the Territory of Florida,* That all the laws now in force, or which may be hereafter enacted, of a general and not local nature for the government of the people of Florida, shall be taken, held, and construed, to extend, operate, and govern, as well within all settlements of Indians, residing within the limits of this territory, as without such settlements.

SEC. 2. *Be it further enacted,* That the judges of the superior courts of this territory, shall have cognizance of all matters of controversy, either in law, or in equity, which may arise within any of the said Indian settlements, whether the said Indians be parties thereto, or any one or more of them, and any citizen or citizens, inhabitant or inhabitants, of this territory, in like manner and under the same rules, and regulations of practice, as are prescribed in law, for said courts, and the rules of evidence shall be the same in cases, which may arise under this act, as are at present prescribed in law.

SEC. 3. *Be it further enacted,* That the venue and trial in all cases which may arise under the provisions of this act, shall be at the same place or places, (as in other cases in which the inhabitant of the respective counties,) in which the said Indian settlements may be, as parties are accustomed, or required by law, to transact similar business.

SEC. 4. *Be it further enacted,* That in all cases arising under the provisions of this act, where the matter in controversy, shall not exceed the sum of one hundred dollars, the justices of the peace residing in any county, in which any such Indian settlement may be located, shall have like jurisdiction as is or may be given to them under the laws of this territory in other cases.

SEC. 5. *Be it further enacted,* That all marshals, sheriffs, constables, and other executive officers, of all and every court

Florida, 1881 of this territory, having process properly emanating from any of their respective courts, requiring to be executed within any of said Indian settlements, shall have power, and are hereby authorized and required, to enter any of said settlements, for such lawful purpose or purposes.

SEC. 6. *Be it further enacted*, That all laws of a penal nature, in force in this territory, are hereby expressly declared to be in force in each and every of the Indian settlements, in the first section of this act referred to.

SEC. 7. *Be it further enacted*, That all laws and parts of laws, heretofore passed by the legislative council of this territory, repugnant to the provisions of this act, be, and the same are hereby repealed.

SEC. 8. *Be it further enacted*, That this act shall not become a law or in any wise operate, until specially approved by Congress.







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**APPENDIX.** ✓

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## APPENDIX.

### *Proceedings of the Congress of the Confederation, relating to Indians and Indian Affairs.*

A petition from the committee representing the people in that part of Augusta county, in the colony of Virginia, on the west side of the Allegany mountain, was laid before the Congress and read, intimating "fears of a rupture with the Indians on account of lord Dunmore's conduct," and desiring "commissioners, from the colony of Virginia and province of Pennsylvania, to attend a meeting of the Indians at Pittsburg, on behalf of these colonies." In Congress,  
June 1, 1775,

*Ordered,* That the above be referred to the delegates of the colonies of Virginia and Pennsylvania.

A number of letters and speeches, from the Stockbridge Indians, were laid before the Congress and read. June 30, 1775,

*Resolved,* That the committee for Indian affairs do prepare proper talks to the several tribes of Indians, for engaging the continuance of their friendship to us, and neutrality in our present unhappy dispute with Great Britain.

The Congress resumed the consideration of the report of the committee on Indian affairs, and the same being gone through, was agreed to, as follows: July 18 1775,

That the securing and preserving the friendship of the Indian nations appears to be a subject of the utmost moment to these colonies.

That there is too much reason to apprehend that administration will spare no pains to excite the several nations of Indians to take up arms against these colonies; and that, it becomes us to be very active and vigilant in exerting every prudent means to strengthen and confirm the friendly disposition towards these colonies, which has long prevailed among the northern tribes, and which has been lately manifested by some of those to the southward.

As the Indians depend on the colonists for arms, ammunition, and clothing, which are become necessary to their subsistence, that commissioners be appointed by this Congress to superintend Indian affairs in behalf of those colonies.

That there be three departments of Indians, the northern, middle, and southern. The northern to extend so far south as to include the whole of the Indians known by the name of the

In Congress,  
July 18, 1775.

Six Nations, and all the Indians northward of these nations. The southern department, to extend so far north as to include the Cherokees, and all the Indians that may be to the southward of them. The middle, to contain the Indian nations that lie between the other two departments.

That five commissioners be appointed for the southern department.

That for each of the other two departments, there be appointed three commissioners.

That the commissioners have power to treat with the Indians, in their respective departments, in the name and on behalf of the united colonies, in order to preserve peace and friendship with the said Indians, and to prevent their taking any part in the present commotions.

That the commissioners for the southern department receive, from the continental treasury, the sum of ten thousand dollars; the commissioners for the middle and northern department, the sum of six thousand six hundred and sixty-six and two-thirds, for each of their respective departments, for defraying the expense of treaties and presents to the Indians.

That the commissioners, respectively, have power to take to their assistance gentlemen of influence among the Indians in whom they can confide, and to appoint agents, residing near or among the Indians, to watch the conduct of the superintendents and their emissaries.

That in case the commissioners for the respective districts, or any one of them in either district, shall have satisfactory proof, that the king's superintendents, their deputies or agents, or any other person whatsoever, are active in stirring up or inciting the Indians, or any of them, to become inimical to the American colonies, such commissioner or commissioners ought to cause such superintendents, or other offender, to be seized and kept in safe custody, until order shall be taken therein by a majority of the commissioners of the districts where such seizure is made, or by the continental Congress, or a committee of said Congress, to whom such seizure, with the causes of it, shall, as soon as possible after, be made known.

That the commissioners shall exhibit fair accounts, of the expenditure of all moneys by them respectively to be received for the purposes aforesaid, to every succeeding continental Congress, or committee of Congress, together with a general state of Indian affairs in their several departments; in order that the colonies may be informed, from time to time, of every such matter as may concern them to know and avail themselves of, for the benefit of the common cause.

That as there is a seminary for the instruction of Indian youth, which has been established under the care of doctor Wheelock, on Connecticut river; and as there are nine or ten Indian youths at that school, chiefly from the tribes residing in Quebec; and as, for want of a proper fund, there is danger that these youths may be sent back to their friends, which will probably excite jealousy and distrust, and be attended with bad consequences, the commissioners for Indian affairs in the northern department be authorized to receive, out of the continental treasury, a sum not exceeding five hundred dollars, to be applied by them for the support of said Indian youths.

In Congress.  
July 12, 1775.

*Ordered,* That a talk be prepared for the Indian nations, so as to suit the Indians in the several departments. July 13, 1775.

The commissioners for Indian affairs, in the northern department, transmitted to the Congress the minutes of a treaty, held with the Six Nations, at Albany, in August; and the same were read. September 14, 1775.

The Congress resumed the consideration of the report of the committee, on Mr Douw's letter, and the Albany treaty; and after debate, the first paragraph was postponed, and the remainder agreed to, as follows: November 23, 1775.

The committee to whom it was referred to take into consideration the letter from Volckert P. Douw, Esq. and the minutes of the treaty held with the Indians at Albany, by the commissioners for Indian affairs, in the northern department, have examined the same, and come to the following resolutions thereupon:

That it is the opinion of this committee, that the Indians be assured that this Congress are pleased with their desire that the trade should be opened, as formerly, at Albany and Schenectady; that the Congress will exert their strenuous endeavors to procure the goods the Indians may want, and put the trade under such wise regulations, as that mutual justice may be effected, and that they hope those endeavors will be successful.

That General Schuyler be desired to furnish the commissioners at Albany with some powder, if he can spare it, to be distributed among the Indians, who, in the present circumstances, are much distressed by the want of that article.

That the commissioners for transacting Indian affairs in the northern department, be desired to obtain from the Mohawk Indians, and the corporation of Albany, a state of the controversy between them, concerning the land desired by the former, in the late treaty at Albany, to be restored to them, and report the matter, as it shall appear to them, to the Congress.

In Congress,  
Nov. 23, 1775.

That the said commissioners be desired at the expense of the united colonies, to provide for and entertain the sachems and warriors of the Six Nations, and other Indians friendly to these colonies, their attendants and messengers, with the accustomed hospitality, when they come to Albany or Schenectady, to treat, or give intelligence of public affairs, or upon a visit, and for this purpose, that seven hundred and fifty dollars be lodged in the hands of the said commissioners, subject to account.

That the said commissioners be directed to employ two blacksmiths, for reasonable salaries, to reside among and work for the Indians of the Six Nations.

That the said commissioners be empowered to employ an interpreter, with a salary of two hundred and twenty-two and one-fifth dollars by the year, commencing the twentieth day of this month, who shall also be allowed his travelling expenses, to be settled by the commissioners; and James Deane, if they judge him well qualined, is recommended to execute this office.

That twenty-three dollars be paid to James Deane, over and above the seventy-five dollars advanced him by the commissioners, for his past services.

*Resolved*, That three members be added to the committee on the Albany treaty, and that they be directed to consider of a plan for carrying on a trade with the Indians, and to devise ways and means for procuring goods proper for that trade.

Jan. 27, 1776.

The committee to whom the treaty held with the Indians at Albany, and the letter from V. P. Douw, Esquire, were referred, brought in their report: whereupon,

*Resolved*, That in order to preserve the confidence and friendship of the Indians, and to prevent their suffering for want of the necessaries of life, a suitable assortment of Indian goods, to the amount of forty thousand pounds sterling, be imported on account and risk of the united colonies:

That the said goods, when imported, be divided among the different departments, in the following proportions, viz: for the northern department, comprehending Canada, thirteen thousand three hundred and thirty-three pounds six shillings and eight pence sterling; for the middle department, the like value, and the residue for the southern department:

That in order to pay for the said goods, a quantity of produce of these colonies be exported to some foreign European market, where it will sell to the best advantage:

That the secret committee be empowered to contract with proper persons for importing said goods, and for exporting produce to pay for the same. In Congress,  
Jan. 27, 1776.

That the said goods, when imported, be delivered to the commissioners of Indian affairs, for the respective departments, or their order, in the proportions beforementioned.

That the respective commissioners, or such of them as can conveniently assemble for that purpose, shall, as the goods arrive, fix a price, adding to the first cost interest, the charge of insurance, and all other charges, and also a commission not exceeding two and a half per cent. on the first cost, for their own care and trouble in receiving, storing, and selling them to the Indian traders; but such commissioners as are at the same time members of congress, shall not be burdened with this part of the business, nor receive any part of the aforesaid commission.

That no person shall be permitted to trade with the Indians without license from one or more of the commissioners of each respective department.

That all traders shall dispose of their goods at such stated reasonable prices as shall be fixed and ascertained by the commissioners, or a majority of such as can conveniently assemble for that purpose, in each respective department, and shall allow the Indians a reasonable price for their skins and furs, and take no unjust advantage of their distress and intemperance; and to this end they shall, respectively, upon receiving their licenses, enter into bond to the commissioners, for the use of the united colonies, in such penalty as the acting commissioners or commissioner shall think proper, conditioned for the performance of the terms and regulations above prescribed.

That to such licensed traders only, the respective commissioners shall deliver the goods, so to be imported, in such proportions as they shall judge will best promote a fair trade, and relieve the necessities of the Indians.

That every trader on receiving the goods, shall pay to the commissioners, in hand, the price at which they shall be estimated; and the commissioners shall, from time to time, as the money shall come to their hands, transmit the same to the continental treasurers, deducting only the allowance for their trouble as aforesaid.

That the trade with the Indian nations shall be carried on at such posts and places only, as the commissioners for each department shall respectively appoint.



In Congress,  
Jan. 27, 1776.

That these resolutions shall not be construed to prevent or debar any private persons from importing goods for the Indian trade, under the restrictions expressed in the association.

Feb 5, 1776.

The committee to whom the memorial of Samson Occum, one of the Mohegan Indians, in Connecticut, was referred, brought in their report: whereupon,

*Resolved*, That a friendly commerce between the people of the united colonies and the Indians, and the propagation of the gospel, and the cultivation of the civil arts among the latter, may produce many and estimable advantages to both; and that the commissioners for Indian affairs be desired to consider of proper places, in their respective departments, for the residence of ministers and schoolmasters, and report the same to Congress.

That the commissioners for Indian affairs in the northern department, be desired to inquire of Mr Jacob Fowler, of the Montauk tribe of Indians, on Long Island, and Mr Joseph Johnson, of the Mohegan, upon what terms they will reside among the Six Nations of Indians, and instruct them in the christian religion.

March 8,  
1776.

*Resolved*, That Indians be not employed as soldiers in the armies of the united colonies, before the tribes to which they belong shall, in a national council, held in the customary manner, have consented thereto, nor then, without express approbation of Congress.

April 10,  
1776.

The committee to whom the report on Indian affairs in the middle department, or any one of them, be desired to employ, for reasonable salaries, a minister of the gospel, to reside among the Delaware Indians, and instruct them in the christian religion; a schoolmaster to teach their youth reading, writing, and arithmetic; also a blacksmith to do the work of the Indians in the middle department.

*Resolved*, That the commissioners for Indian affairs in the middle department, be desired to provide, at the expense of the united colonies, for the entertainment of the sachems and warriors of the Indians, and their attendants and messengers, with the accustomed hospitality, when they come to Pittsburg to treat, or give intelligence of public affairs, or upon a visit.

*Resolved*, That the commissioners for Indian affairs be desired to acquaint the Indians, in their respective departments, that congress have formed a plan for importing goods to supply their necessities.

That the commissioners for Indian affairs be desired to inquire and report the cause of the discontent of the Indians in the middle department, what measures may be pursued to

restore quiet and harmony, and to use their utmost endeavors, <sup>In Congress,</sup>  
in the mean time, to prevent hostilities. <sup>April 10,</sup>  
1776.

That disputes which shall arise between any of the white people and the Indians, in their dealings, (if the latter will consent,) be determined by arbitrators chosen, one by each of the parties, and another by the commissioners for Indian affairs, or when they are absent, by the agent in the department where the Indian party resides.

*Resolved,* That no traders ought to go into the Indian <sup>April 29,</sup>  
country without license from the agent in the department: and <sup>1776.</sup>  
that care be taken by him to prevent exorbitant prices for goods being exacted from the Indians.

*Resolved,* That a ton of powder be sent to Mr. G. Morgan, to be distributed to such Indians as he shall be convinced are in our interest.

*Resolved,* That measures be immediately taken to procure goods, to supply the Indians at the treaties ordered to be held with them.

*Resolved,* That the Indian goods said to be at fort Pitt, be <sup>May 6, 1776.</sup>  
purchased for the use of the united colonies.

That Indian goods, to the value of ten thousand dollars, be purchased at Montreal, for the use of the united colonies.

That treaties be held with the Indians in the different departments, as soon as practicable, and that the sum of ten thousand dollars be paid out of the treasury, to the commissioners of each respective department, for presents to the Indians, and the expenses of such treaties.

*Resolved,* That the standing committee for Indians affairs <sup>May 11, 1776.</sup>  
be directed to take measures for carrying into execution the resolution of the 6th, for holding a treaty with the Indians in the different departments, as soon as practicable.

That the 20th of July be fixed on for holding a treaty at Pittsburg, with the Indians in the middle department; and that the standing committee be directed to inform the agent, and desire him to notify the Indians, and invite them to attend at the time and place mentioned; and also that the said committee inform the commissioners, and desire them to attend.

Agreeably to order, the Indians were admitted to an audience; after they withdrew, <sup>May 27, 1776</sup>

*Resolved,* That the standing committee for Indian affairs, be directed to prepare a speech to be delivered to the Indians, and to procure such articles as they judge proper for a present.

In Congress,  
June 11, 1776.

*Resolved*, That the sum of one hundred and fifty dollars be paid the Indian interpreter for his services, and to defray his expenses.

The presents for the Indians being provided, they were called in, and the speech agreed to was delivered.

The presents being delivered, the Indian chief begged leave to give a name to the President; the same being granted, an Onondago chief arose, and saluted the President by the name of *Karunduan*, or the Great Tree, by which name, he informed him, the President will be known among the Six Nations. After which the Indians took their leave and withdrew.

Aug. 19, 1776.

*Resolved*, That it be left to the discretion of the commissioners in the middle department, to postpone the holding the treaty with the Indians in their department, to such time as they think best; and that, if by continuing at Pittsburg, in the mean while, they are of opinion they shall be able to bring the Indians into a friendly disposition, and to render the treaty more general, they be desired to continue there:

That the invitation given by the said commissioners, to such of the Six Nations of Indians as live on the waters of the Ohio, to attend the said treaty, be approved.

That the said commissioners be instructed to make diligent inquiry into the murder lately committed by Indians in the neighborhood of Pittsburgh, on one Crawford, and that as soon as they discover by whom the same was committed, they demand due punishment on the offender or offenders, which being granted, this Congress will not consider the same as a national act.

That the said commissioners invite such of the Indian chiefs and warriors of their department as they think best, to visit Congress at Philadelphia, after the conclusion of the treaty with them:

That the following extract from the speech of Logan, an Indian chief, be transmitted to the commissioners for the middle department, viz: "We still hear bad news. Conneodico, and some of us, are constantly threatened: and the Bearskin, a trader from Pennsylvania, amongst others, says, a great reward is offered to any person who will take or entice either of us to Pittsburg, where we are to be hanged up like dogs, by the Big Knife. This being true, how can we think of what is good? That it is true we have no doubt, and you may depend on it that the Bearskin told Metopsica every word of what I have mentioned." And that they be directed to do all in their power to remove every jealousy of the United

States, or either of them, from the minds of the Indians. In Congress, And as it may possibly happen, that the persons concerned in <sup>Aug. 19, 1776.</sup> the Indian trade, in order to engross to themselves, or to the traders of their own state, the whole of the said Indian trade, may, by false suggestions, endeavor to poison the minds of the said Indians, and render them inimical to any other state, and to involve such state in an Indian war, that it be therefore recommended to the assemblies and conventions of the several states, from which trade is carried on with the Indians, that they take the most effectual measures to prevent the traders of their respective states from pursuing a practice so dangerous to the peace of the United States.

*Resolved*, That it be recommended to the inhabitants of the <sup>Sept. 19, 1776.</sup> frontiers, and to the officers at all the posts there, to treat the Indians who behave peaceably and inoffensively, with kindness and civility, and not to suffer them to be ill used or insulted.

As it may be a means of conciliating the friendship of the Canadian Indians, or at least of preventing hostilities from them, in some measure to assist the President of Dartmouth college, in New Hampshire, in maintaining their youth, who are now there under his tuition, and whom the revenues of the college are not, at this time, sufficient to support; that for this purpose, five hundred dollars be paid to the reverend doctor Eleazer Wheelock, President of the said college.

Congress taking into consideration General R. Howe's letter of the 4th September, 1777, to the speaker and assembly of the state of Georgia, and another of the 28th of August, to the president of Congress, in which he represents the danger of an Indian war being provoked, by the wantonness and indiscretion of several persons in that state, <sup>Oct. 20, 1777.</sup>

*Resolved*, That it be earnestly recommended to the president and assembly of the state of Georgia, to use their utmost exertions to cultivate peace and harmony with the Indian nations: and to enable them to effect this salutary purpose, that they forthwith enact laws, inflicting severe penalties on such of their inhabitants as may endeavor to provoke a war, which may endanger the state of Georgia, and entail great injury and expense on the United States.

The committee to whom was referred the letter from the <sup>Feb. 2, 1778.</sup> commissioners for Indian affairs in the northern department, together with the papers enclosed, and the opinion of the board of war thereon, brought in a report, whereupon,

*Resolved*, That the commissioners be instructed to speak to the Indians, at the intended treaty at Johnston, in language

In Congress,  
Feb. 2, 1778.

becoming the representatives of free, sovereign, and independent states, and in such a tone as will convince them that we feel ourselves to be so; but whether it will be prudent to insist upon the Indians taking an active part in behalf of these states, must depend upon the temper they shall appear to be in; that this particular, therefore, be submitted to the discretion of the commissioners.

*Resolved*, That the commissioners speak and act in such manner as they shall think most likely to obtain the friendship, or, at least, the neutrality of the Indians, and that congress will support the commissioners in any measures they shall conceive best calculated to answer these ends:

That the commissioners be authorized to purchase five or six hundred blankets, or to order that number to be sent to Johnston, from any of the public stores to the eastward, if to be had there, to be given as presents to the Indians.

March 4,  
1778.

The board of war, to whom was referred the letter of the 20th February, from the committee at camp, having made report, the same was taken into consideration: whereupon,

*Resolved*, That General Washington be empowered, if he think it prudent and proper, to employ in the service of the United States a body of Indians, not exceeding four hundred; and that it be left to him to pursue such measures as he judges best for procuring them, and to employ them, when procured, in such way as will annoy the enemy, without suffering them to injure those who are friends to the cause of America.

July 25, 1778. *Resolved*, That brigadier M'Intosh be directed to assemble at fort Pitt, as many continental troops and militia as will amount to fifteen hundred, and proceed without delay to destroy such towns of the hostile tribes of Indians as he, in his discretion, shall think will most effectually tend to chastise and terrify the savages, and to check their ravages on the frontiers of these states.

That it appearing most evidently that the late incursion at Wyoming and the adjacent parts, has been made by the Senecas and some other tribes of the Six Nations, aided by Tories and other banditti, from the frontiers of New York, New Jersey, and Pennsylvania, the expedition meditated against them from the northward be forwarded with all possible despatch, and that the board of war take the necessary steps for that purpose.

Oct. 6, 1778.

A letter of September 24th, from Andrew Lewis and Thomas Lewis, esquires, commissioners at fort Pitt, was read, together with their proceedings at the treaty with the chiefs of the Delaware nation, and an agreement or confederation enter-

ed into between them and the said chiefs, and other papers enclosed: In Congress,  
Oct. 6, 1778.

*Ordered*, That the same be referred to a committee of three.

*Resolved*, That twelve blank commissions be transmitted to April 3, 1779. the commissioners of Indian affairs for the northern department; and that they, or any two of them, be empowered to fill them up with the names of faithful chiefs of the Oneidas and Tuscaroras, giving them such ranks as the said commissioners shall judge they merit; the names and ranks to be by the commissioners reported to the board of war.

*Resolved*, That the commissioners for Indian affairs in the May 17, 1779. northern department, be directed to consult General Washington upon all treaties with the Indians, and to govern themselves by such instructions as he shall give them, relative to any partial or general treaty of peace to be concluded with them.

A letter of the 26th, from colonel Broadhead, at Pittsburg, Nov. 8, 1779. was read, informing that some of the inhabitants from Yoghigany and Ohio counties, had crossed the Ohio, and made small improvements on the Indians' land, from the river Muskingum to fort M'Intosh, and thirty miles up the branches of the Ohio river; and that he had ordered the trespassers to be apprehended, and the huts to be destroyed.

*Ordered*, That a letter be written to the Governor of Virginia, enclosing a copy of colonel Broadhead's letter, and requesting his excellency to endeavor to prevent a repetition of the trespasses mentioned in it.

Congress took into consideration the report of the committee, consisting of Mr. Forbes, Mr. Sharpe, Mr. Morris, on a Nov. 27,  
1779. letter of the 17th of October last, from major General Schuyler; and thereupon agreed to the following answer to the said letter:

"SIR:—Notwithstanding the many injuries committed by the savages, congress are disposed to peace: the conditions on which they insist, are,

First, that it shall be supplicated on the part of the enemy; secondly, that they shall surrender all the Americans in their hands; thirdly, that they shall expel all British agents and emissaries; fourthly, that they shall covenant to deliver up such as shall hereafter go among them; fifthly, that they shall covenant not to take up the hatchet again, under penalty of being driven from their country; and sixthly, that they shall give hostages for their strict adherence to the promises to be by them made."

In Congress,  
Feb. 21, 1780. The board of war, to whom was referred General Schuyler's letter of the 5th, brought in a report, which was read: whereupon,

*Resolved*, That the commissioners of Indian affairs in the northern department, be authorized and instructed to take such securities from the hostile tribes of Indians, to ensure the faithful performance of their engagements with the said commissioners, as seem most conducive to the end proposed, in lieu of hostages.

July 31, 1781 A report from the board of war was read, enclosing accounts against the United States for the support and tuition of three Indian boys at Princeton: whereupon,

*Ordered*, That the same be referred to the board of treasury; and that the board devise ways and means for furnishing colonel George Morgan with the sum of one hundred and thirty-seven pounds, currency of New-Jersey, in specie, to enable him to pay for the support and tuition of three Indian boys, of the Delaware nation, now at Princeton college; for which sum colonel George Morgan is to be accountable.

Report of a committee of congress, May 1, 1782. The reasons that induced your committee to recommend the acceptance of this cession,\* are,

1. It clearly appeared to your committee, that all the lands belonging to the Six Nations of Indians and their tributaries have been, in due form, put under the protection of the crown of England, by the said Six Nations, as appendant to the late government of New York, so far as respects jurisdiction only.

2. That the citizens of the said colony of New York have borne the burden, both as to blood and treasure, of protecting and supporting the said Six Nations of Indians and their tributaries, for upwards of one hundred years last past, as the dependents and allies of the said government.

3. That the crown of England has always considered and treated the country of the said Six Nations, and their tributaries, inhabiting as far as the 45th degree of north latitude, as appendant to the government of New York.

4. That the neighboring colonies of Massachusetts, Connecticut, Pennsylvania, Maryland, and Virginia, have also, from time to time, by their public acts, recognized and admitted the said Six Nations and their tributaries to be appendant to the government of New York.

5. That by congress accepting this cession, the jurisdiction of the whole western territory, belonging to the Six Nations and their tributaries, will be vested in the United States, greatly to the advantage of the union.

\* Meaning a cession of land from the state of New York.

On the report of a committee, consisting of Mr. Boudinot, <sup>In Congress,</sup> Mr. Duane, and Mr. Williamson, to whom were referred the <sup>Oct. 11, 1782.</sup> letter of 26th of September, from the commander in chief, and the letter of the 21st of September from General Schuyler:

*Resolved*, That the commissioners of Indian affairs for the northern department, be instructed to avail themselves of the change of temper which is represented to prevail in the tribes of Indians under their superintendance, and to devise and report to congress the best means of securing the said tribes against the future intrigues of the enemy.

The committee, consisting of Mr. Duane, Mr. Ramsey, <sup>Nov. 2, 1782.</sup> and Mr. Wharton, to whom was referred a letter of the 1st, from the secretary of war, report,

“That they have had a conference with the two deputies of the Catawba nation of Indians: that their mission respects certain tracts of lands reserved for their use, in the state of South Carolina, which they wish may be so secured to their tribe as not to be intruded into by force, nor alienated even with their own consent;” whereupon,

*Resolved*, That it be recommended to the legislature of the state of South Carolina, to take such measures for the satisfaction and security of the said tribe, as the said legislature shall, in their wisdom, think fit.

*Resolved*, That the secretary of war take the most effectual <sup>May 1, 1783.</sup> measures to inform the several Indian nations, on the frontiers of the United States, that preliminary articles of peace have been agreed on, and hostilities have ceased with Great Britain, and to communicate to them that the forts within the United States, and in possession of the British troops, will speedily be evacuated: intimating also, that the United States are disposed to enter into friendly treaty with the different tribes; and to inform the hostile Indian nations, that unless they immediately cease all hostilities against the citizens of these states, and accept of these friendly proffers of peace, congress will take the most decided measures to compel them thereto.

By the United States, in Congress assembled, a Proclamation.

Whereas, by the ninth of the articles of confederation, it is, <sup>September 23, 1783.</sup> among other things, declared, that “the United States in congress assembled have the sole and exclusive right and power of regulating the trade, and managing all affairs with the Indians, not members of any of the states; provided that the legislative right of any state, within its own limits, be not infringed or violated:” and whereas it is essential to the wel-



In Congress,  
September  
22, 1783.

fare of the United States, as well as necessary for the maintenance of harmony and friendship with the Indians, not members of any of the states, that all cause of quarrel or complaint between them and the United States, or any of them, should be removed and prevented; therefore the United States in congress assembled have thought proper to issue their proclamation, and they do hereby prohibit and forbid all persons from making settlements on lands inhabited or claimed by Indians, without the limits or jurisdiction of any particular state, and from purchasing or receiving any gift or cession of such lands or claims, without the express authority and directions of the United States in congress assembled.

And it is moreover declared, that every such purchase or settlement, gift, or cession, not having the authority aforesaid, is null and void, and that no right or title will accrue in consequence of any such purchase, gift, cession, or settlement.

Done in congress, at Princeton, this 22d day of September, in the year of our Lord one thousand seven hundred and eighty-three, and of our sovereignty and independence the eighth.

Oct. 15, 1783.

*Resolved*, That a convention be held with the Indians residing in the northern and middle departments, who have taken up arms against the United States, for the purposes of receiving them into the favor and protection of the United States, and of establishing boundary lines of property, for separating and dividing the settlements of the citizens from the Indian villages and hunting grounds, and thereby extinguishing, as far as possible, all occasion for future animosities, disquiet, and contention.

And whereas the trade with the Indians ought to be regulated, and security be given by the traders for the punctual observance of such regulations, so that violence, fraud, and injustice, towards the Indians, may be guarded against and prevented, and the honor of the federal government and the public tranquillity thereby promoted:

*Resolved*, That a committee be appointed, with instructions to prepare and report an ordinance for regulating the Indian trade, with a clause therein strictly prohibiting all civil and military officers, particularly all commissioners and agents for Indian affairs, from trading with the Indians, or purchasing, or being directly or indirectly concerned in purchasing lands from Indians, except only by the express license and authority of the United States in congress assembled.

*Resolved*, That the preceding measures of congress relative to Indian affairs, shall not be construed to affect the territorial claims of any of the states, or their legislative rights within their respective limits. In congress,  
Oct. 15, 1783.

*Resolved*, That it will be wise and necessary, as soon as circumstances shall permit, to erect a distinct of the western territory into a distinct government, as well for doing justice to the army of the United States, who are entitled to lands as a bounty, or in reward of their services, as for the accommodation of such as may incline to become purchasers and inhabitants; and, in the interim, that a committee be appointed to report a plan, consistent with the principles of the confederation, for connecting with the union, by a temporary government, the purchasers and inhabitants of the said district, until their number and circumstances shall entitle them to form a permanent constitution for themselves, and, as citizens of a free, sovereign, and independant state, to be admitted to a representation in the union: provided always, that such constitution shall not be incompatible with the republican principles which are the basis of the constitutions of the respective states in the union.

*Resolved*, That general Schuyler be, and he is hereby directed, to expedite the return of the deputation from the late hostile tribes of Indians, with information to their constituents, that due notice shall be given them of the time and place where congress will hold a meeting, for settling a general treaty with the Indian nations, which meeting they may rest satisfied will be held as soon as the season and other necessary circumstances will permit. In the mean time, the Indian tribes may be assured of the protection of the United States, so long as they continue in the peaceable disposition which they now manifest, and which is highly pleasing to congress. Feb. 10, 1784.

*Resolved*, That the president immediately inform the gentlemen elected commissioners for holding a treaty with the Indians, of the said election, and that, as it is the wish of congress that the negotiations should commence as soon as possible, the commissioners are desired to meet at New York, on the tenth day of April next, to fix upon the times and places of holding the treaties with the different nations and tribes of Indians, and give them, respectively, the speediest information of the time and place determined on, inviting them to meet accordingly. March 5,  
1784.

*Resolved*, That the commissioners appointed to negotiate with the Indians, shall each be allowed six and a half dollars per day, for the time they shall be employed in that business, March, 19,  
1784.

In Congress,  
March 19,  
1784.

in full for their services and expenses, exclusive of their expenses, at the place or places where the treaties shall be held.

On the report of a committee, consisting of Mr. Jefferson, Mr. Howell, and Mr. Lee, to whom was referred an additional report on Indian affairs:

*Resolved*, That the superintendent of finance, cause to be purchased, a quantity of goods, to be applied in negotiating the treaty with the Indians, the amount not to exceed the sum of fifteen thousand dollars, including those on hand, according to an estimate, specifying kinds, quantities, and qualities, to be furnished by the commissioners for negotiating the treaty.

*Resolved*, That the commissioners be, and they hereby are authorized and instructed to appoint one or more suitable person or persons, with such allowance as they may think reasonable, to receive the aforesaid goods, to take charge of their transportation, to such place or places as may be pointed out by the said commissioners, and to attend to the safe keeping and issuing, agreeably to such orders as he or they may receive from the said commissioners, all goods committed to his or their care, which orders are to be produced as vouchers on the settlement of the accounts. And that the superintendent of finance furnish to the order of the said commissioners the sums of money necessary for carrying this resolve into execution.

*Resolved*, That the said commissioners be, and they hereby are authorized and directed, to make and transmit to congress, from time to time, estimates of such additional quantities of goods, as may be found necessary in the course of their negotiations, in order that proper measures may be taken for procuring and forwarding the same.

June 3, 1784.

Whereas it is necessary to expedite the holding treaties with the Indian nations, which it appears cannot be done but under the protection of an armed force; therefore,

*Resolved*, That the secretary in the war office be, and he is hereby, directed to order three hundred men, of the militia, directed to be raised by the act of this day, to be in readiness to march when and to what place or places the commissioners for negotiating with the Indians, or any two of them, shall direct: and that the commanding-officer of the said troops give such protection to the commissioners as they, or any two of them, shall require; and that the said secretary give order to the different keepers of the public stores, to furnish to the order of the commissioners, or any two of them, such tents, marquees, and other articles, as the said commissioners shall think proper.

*Resolved*, That the superintendent of finance take order for purchasing and transmitting the articles necessary for the Indian treaties, according to a list hereunto annexed, to such places as the commissioners appointed to negotiate with the Indians, or any two of them, shall direct. That he furnish such additional articles, not exceeding the sum of four thousand dollars, as the said commissioners shall order; and that he contract with such persons as he may think proper, to furnish sixty thousand rations for the Indian treaties, at such places as the commissioners, or any two of them, shall direct, together with such things as shall be necessary for the expenses of the said commissioners during the negotiation.

*Resolved*, That the commissioners for negotiating with the Indians, or any two of them, being a majority of those present, be empowered to do the business of the commission, and to appoint a secretary, messengers, interpreters, storekeepers, and such artificers as they may find necessary, and to agree with them for their pay, for which they shall draw warrants on the treasury.

*Resolved*, That three commissioners, with the same pay as is allowed to the commissioners appointed for treating with the northern Indians, be appointed to treat with the Cherokees and all other Indians southward of them, within the limits of the United States, or who have been at war with them, for the purpose of making peace with them, receiving them into the favor and protection of the United States, and removing as far as may be, all causes of future contention or quarrels.

That the commissioners be instructed, as a preliminary, to require that all prisoners, of whatever age or sex, among the Indians, shall be delivered up, and they are further instructed to demand the negroes and other property, belonging to the citizens of the United States, which have been captured during the war.

That they be instructed to inform the Indians of the great occurrences of the last war, and of the extent of country relinquished by the late treaty of peace with Great Britain.

That the commissioners, previous to their holding any treaty, shall give due notice of the time and place where it is to be held, to the supreme executives of Virginia, North Carolina, South Carolina, and Georgia; in order that they may, each of them, appoint one or more persons to attend during the treaty, if they think proper.

That the commissioners be instructed to encourage the Indians to give notice to Congress, or some of their officers, of any

In Congress,  
March 15,  
1785.

designs that may be formed in any neighboring tribe, or by any person whatever, against the peace of the United States.

That the commissioners be authorized to apply to the supreme executive of Virginia, North Carolina, South Carolina; or Georgia, for one hundred and fifty men, or such part thereof as they may deem necessary, of their militia, for the purpose of protecting the commissioners whilst engaged in concluding the said treaties; and that they be authorized to draw on any of the said states for a sum not exceeding nine thousand dollars, to discharge the expense of holding the treaties, including the pay of the commissioners and the pay and subsistence of the guard for the commissioners: and a sum not exceeding four thousand dollars, to be expended in making presents to the Indians; and that the said states have credit for such advance out of the requisitions for the year 1786.

March 18,  
1785.

*Resolved*, That in order to give greater security to the frontier settlement, and establish a boundary line between the United States and the Pattawatima, Twightwees, Piankeshaw and other western nations, a treaty be held with the said Indians at Post Vincent, on the Wabash river, on the 20th day of June, 1785, or at such other time or place as the commissioners may find more convenient.

That 18,429 pounds weight of beef, 21,047 pounds of flour, and salt in proportion, in addition to the rations now in use at fort M'Intosh, will be necessary for the said treaty; and that the commissioners of the treasury take order to furnish the same, by contract.

That the commissioners for holding the aforesaid treaty, purchase and cause to be transported, such goods as they may judge necessary, in addition to the goods in store at fort M'Intosh, to an amount not exceeding three thousand dollars, and that they be empowered to draw, out of the public magazines, if they think proper, such a quantity of powder as they may find necessary for the purpose of the treaty.

That the commissioners of the treaty take order to advance to the commissioners aforesaid, the sum of three thousand dollars, for which they are to account, in addition to the amount of the goods to be purchased as aforesaid.

That the troops at the western posts, or so many of them as may be required, be subject to the order of the aforesaid commissioners for holding the treaty, during the time of the said treaty.

June 6, 1785.

*Resolved*, That the commissioners instructed to hold a treaty under the resolutions of the 18th of March last, with the western tribes of Indians, at Post St. Vincent, on the 20th

day of June, for the purpose of obtaining from them a cession of lands, be, and they are hereby authorized and directed, to avail themselves of the disposition of the Indians, and the funds committed to their charge, to make such cession as extensive and liberal as possible.

1. *Resolved*, That the commissioners instructed to hold a treaty, under the resolutions of the 18th March last, with the western tribes of Indians, for the purpose of obtaining from them a cession of lands, be, and they are hereby authorized and directed to avail themselves of the disposition of the Indians, and the funds committed to their charge, to make such cession as extensive and liberal as possible.

2. That the board of treasury take order for the purchase of goods, in addition to those on hand at fort McIntosh, and those ordered to be purchased by the resolutions of the 18th March last, for the purpose of carrying the said treaty fully into effect, to an amount not exceeding three thousand dollars.

3. That the board of treasury take order for the purchase of provisions and other stores, for the support of the commissioners and others necessarily attending the treaty, to an amount not exceeding two thousand dollars.

4. That the board of treasury take order to answer the drafts of the commissioners of the treaty, for the pay of the officers, messengers, interpreters, and artificers, in a sum not exceeding two thousand dollars.

5. That the board of treasury take order for contracting, upon the best terms they can, for the transportation of the said goods to the place at which the treaty may be held, or such other places as the commissioners may think proper; and also for the transportation of the troops and their baggage, which may be necessarily employed in attending the said treaty.

6. That the commissioners be, and they are hereby authorized, to make rules and regulations for the management of the treaty, and the government of all those who attend it.

7. That they endeavor to obtain from the inhabitants of Kaskaskies, St. Vincents, and others, a statement of their rights to lands within the said country, guaranteed to them by congress, in their acceptance of the Virginia cession, with the origin and extent thereof, and report the same. That they also administer to the said inhabitants, the following oath of allegiance: *I, ———, solemnly do swear (or affirm) that I will be true and faithful to the United States of America; that I renounce all allegiance and dependence upon any foreign prince or potentate whatsoever; and that I will, as*

In Congress,  
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1785.

*becomes a good citizen, as far as in me lies, protect and defend the said United States from all attacks and invasions from other powers.*

8. That they prohibit the settlement of all persons, not properly authorized for that purpose, upon the unappropriated lands of the United States, and that they cause to be circulated in the said country the following proclamation:

Whereas it hath been represented to the United States in congress assembled, that several disorderly persons have crossed the river Ohio, and settled upon their unappropriated lands; and whereas it is their intention, as soon as it shall be surveyed, to open offices for the sale of a considerable part thereof, in such proportions, and under such other regulations, as may suit the convenience of all the citizens of the said states, and others who may wish to become purchasers of the same; and as such conduct tends to defeat the object which they have in view, is in direct opposition to the ordinances and resolutions of congress, and highly disrespectful to the federal authority, they have therefore thought fit, and do hereby *issue* this their proclamation, strictly forbidding all such unwarrantable intrusions, and enjoining all those who have settled thereon, to depart, with their families and effects, without loss of time, as they shall answer the same at their peril.

That the secretary of war be, and he is hereby directed, to order the troops in the service of the United States to be in readiness to march at such time, and to such place or places, as the said commissioners, or any two of them, shall direct.

That the fourth of the instructions given on the 15th of October, 1783, to the commissioners for negotiating with the Indians, be, and it is hereby repealed.

On the report of a committee, consisting of Mr. Hardy, Mr. Howell, Mr. J. Henry, Mr. King, and Mr. Grayson, to whom was referred a motion of Mr. King.

*Resolved*, That the commissioners for negotiating a treaty with the western tribes of Indians, under the resolutions of the 18th of March last, and of the 15th of June instant, be, and they are hereby directed, to hold the said treaty on the western banks of the Ohio, at the rapids, or at the mouth of the Great Miami.

That the secretary of war detach one company of infantry, from the troops in the service of the United States, to attend the said commissioners to, at, and from, the place where the treaty aforesaid shall be held, and to be subject to the orders of the said commissioners, and that so much of the act of the 15th instant, as directs the secretary of war to order the troops

in the service of the United States to be in readiness to attend the said commissioners, and so much of the said act as requires the commissioners to obtain from the inhabitants of Kaskaskias, St. Vincents, and others, a statement of their rights to lands, and to administer an oath to the said inhabitants, be, and are hereby repealed. In Congress,  
June 29, 1785.

*Resolved*, That it be, and hereby is, recommended to the commonwealth of Virginia, on the request of the said commissioners, to furnish such numbers of the militia of that state, not exceeding one hundred and fifty men, from the counties within the state most convenient to the place where the said treaty is to be held, as will give full protection to all persons attending the same: provided, the company of infantry aforesaid shall be found to be insufficient for that purpose.

On the report of a committee, consisting of Mr. Monroe, Mr. Johnson, Mr. King, Mr. Kean and Mr. Pinckney, to whom were referred the treaties made with the Indians: July 12, 1786.

Whereas it is unnecessary to continue the commissions longer in force, which were granted for the purpose of treating with the Indians in the northern, middle, and southern departments, as the future connexion and intercourse with the several Indian nations may, at a less expense, be maintained by a proper organization of the Indian department; therefore,

*Resolved*, That the several commissions of the 17th May, and 22d September, 1785, be, and they are hereby revoked.

An ordinance for the regulation of Indian affairs.

Whereas the safety and tranquillity of the frontiers of the United States do, in some measure, depend on the maintaining a good correspondence between their citizens and the several nations of Indians, in amity with them: and whereas the United States in congress assembled, under the ninth of the articles of confederation and perpetual union, have the sole and exclusive right and power of regulating the trade, and managing all affairs with the Indians, not members of any of the states; provided, that the legislative right of any state, within its own limits, be not infringed or violated: Aug. 7, 1786.

Be it ordained by the United States in Congress assembled, That from and after the passing of this ordinance, the Indian department be divided into two districts, viz: The southern, which shall comprehend within its limits all the nations in the territory of the United States, who reside southward of the river Ohio; and the northern, which shall comprehend all the other Indian nations within the said territory, and westward of Hudson river: provided, that all councils, treaties, commu-



In Congress,  
Aug. 7, 1786.

nications, and official transactions, between the superintendent hereafter mentioned for the northern district, and the Indian nations, be held, transacted, and done, at the outpost occupied by the troops of the United States, in the said district. That a superintendent be appointed for each of the said districts, who shall continue in office for two years, unless sooner removed by congress, and shall reside within, or as near the district for which he shall be so appointed, as may be convenient for the management of its concerns. The said superintendents shall attend to the execution of such regulations as congress shall, from time to time, establish respecting Indian affairs. The superintendent for the northern district shall have authority to appoint two deputies, to reside in such places as shall best facilitate the regulations of the Indian trade, and to remove them for misbehaviour. There shall be communications of all matters relative to the business of the Indian department, kept up between the said superintendents, who shall regularly correspond with the secretary of war, through whom all communications respecting the Indian department shall be made to congress; and the superintendents are hereby directed to obey all instructions which they shall, from time to time, receive from the said secretary of war. And whenever they shall have reason to suspect any tribe or tribes of Indians of hostile intentions, they shall communicate the same to the executive of the state or states whose territories are subject to the effect of such hostilities. All stores, provisions or other property, which congress may think necessary for presents to the Indians, shall be in the custody and under the care of the said superintendents, who shall render an annual account of the expenditures of the same to the board of treasury.

And be it further ordained, That none but citizens of the United States shall be suffered to reside among the Indian nations, or be allowed to trade with any nation of Indians within the territory of the United States. That no person, citizen or other, under the penalty of five hundred dollars, shall reside among or trade with any Indian, or Indian nation, within the territory of the United States, without a license for that purpose first obtained from the superintendent of the district, or one of the deputies, who are hereby directed to give such license to every person who shall produce, from the supreme executive of any state, a certificate, under the seal of the state, that he is of good character, and suitably qualified and provided for that employment; for which license he shall pay the sum of fifty dollars to the said superintendent, for the use of

the United States. That no license to trade with the Indians In Congress, Aug. 7, 1786. shall be in force for a longer term than one year, nor shall permits or passports be granted to any other persons than citizens of the United States, to travel through the Indian nations, without their having previously made their business known to the superintendent of the district, and received his special approbation. That previous to any person or persons obtaining a license to trade as aforesaid, he or they shall give bond, in three thousand dollars, to the superintendent of the district, for the use of the United States, for his or their strict adherence to, and observance of, such rules and regulations as congress may, from time to time, establish for the government of the Indian trade. All sums to be received by the said superintendents, either for licenses or fines, shall be annually accounted for by them, with the board of treasury.

And be it further ordained, That the said superintendents, and the deputies, shall not be engaged either directly or indirectly, in trade with the Indians, on pain of forfeiting their offices: and each of the superintendents shall take the following oath, previous to his entering on the duties of his appointment: "*I, A B, do swear, that I will well und faithfully serve the United States in the office of superintendent of Indian affairs, for the———district; that I will carefully attend to all such orders and instructions as I shall from time to time, receive from the United States in Congress assembled, or the secretary of war; that I will not be concerned, either directly or indirectly, in trade with the Indians, and that in all things belonging to my said office, during my continuance therein, I will faithfully, justly, and truly, according to the best of my skill and judgment, do equal and impartial justice, without fraud, favor, or affection.*" And the superintendent for the northern district shall administer to his deputies the following oath, before they proceed on the duties of their office: "*I, A B, do swear, that I will well and faithfully serve the United States, in the office of deputy superintendent of Indian affairs, in the northern district; that I will carefully attend to all such orders and instructions as I shall, from time to time, receive from the United States in Congress assembled, the secretary of war, or the superintendent of the district aforesaid, and that in all things belonging to my said office, during my continuance therein, I will faithfully, justly, and truly, according to the best of my skill and judgment, do equal and impartial justice, without fraud, favor, or affection.*" And the said superintendents, and

In Congress,  
Aug. 7, 1786.

deputy superintendents, shall each of them give bond with surety to the board of treasury, in trust for the United States; the superintendents, each, in the sum of six thousand dollars, and the deputy superintendents, each, in the sum of three thousand dollars, for the faithful discharge of the duties of their office.

And it is further ordained, That all fines and forfeitures, which may be incurred by contravening this ordinance, shall be sued for, and recovered before any court of record within the United States, the one moiety thereof to the use of him or them who may prosecute therefor, and the other moiety to the use of the United States. And the said superintendents shall have power, and hereby are authorized, by force, to restrain therefrom all persons who shall attempt an intercourse with the said Indians, without a license therefor obtained as aforesaid.

And be it further ordained, That in all cases where transactions with any nation or tribe of Indians, shall become necessary to the purposes of this ordinance, which cannot be done without interfering with the legislative rights of a state, the superintendent in whose district the same shall happen, shall act in conjunction with the authority of such state.

Done by the United States in congress assembled, this seventh day of August, A. D. one thousand seven hundred and eighty-six, &c.

Oct. 6, 1786, *Resolved*, That the oaths required of the superintendents of Indian affairs, be taken before any one of the judges of the supreme court in any of the United States.

July 18, 1787, *Resolved*, That congress approve the measures taken by the secretary of war, with respect to the Indian chiefs of the Cherokee, Choctaw, and Chickasaw tribes, on their late visit to the seat of congress, and that the expenses attending the same be allowed.

*Resolved*, That all communications to the United States in congress, from the Indian tribes, ought to be made through the superintendents of Indian affairs.

*Resolved*, That if any trader or other person shall, without the authority of the said superintendents, undertake to conduct any Indian or Indians to the seat of congress, he shall be responsible for all expenses which may attend the same and further; that where the person so acting as a conductor, shall be a trader, his license to trade with the said Indians shall become forfeited, and the same shall, at no time thereafter, be renewed.

*Resolved*, That the superintendents of Indian affairs be instructed to make public the foregoing resolutions, and to govern themselves accordingly. In Congress, July 18, 1787.

*Resolved*, That the superintendent of Indian affairs for the northern department, and in case he be unable to attend, then colonel Josiah Harmer, immediately proceed to Post St. Vincents, or some other place more convenient, in his opinion, for holding a treaty with the Wabash Indians, the Shawanbes, and other hostile tribes; that he inform those Indians that Congress is sincerely disposed to promote peace and friendship between their citizens and the Indians; that to this end, he is sent to invite them, in a friendly manner, to a treaty with the United States, to hear their complaints, to know the truth; and the causes of their quarrels with those frontier settlers; and having invited those Indians to the treaty, he shall make strict inquiry into the causes of their uneasiness and hostile proceedings, and form a treaty of peace with them, if it can be done on terms consistent with the honor and dignity of the United States. July 31, 1787.

*Resolved*, That a general treaty be held with the tribes of Indians within the limits of the United States, inhabiting the country northwest of the Ohio, and about lake Erie, as soon after the first of April next as conveniently may be; and at such place, and at such particular time, as the Governor of the western territory shall appoint, for the purposes of knowing the causes of uneasiness among the said tribes, and hearing their complaints; of regulating trade, and amicably settling all affairs concerning lands and boundaries between them and the United States. Oct. 5, 1787.

On motion of Mr. King, seconded by Mr. Kean,

*Resolved*, That twenty thousand dollars be, and hereby are appropriated, for the purpose of Indian treaties, whenever the same shall be hereafter judged necessary by a majority of the United States in Congress assembled, and that the resolutions for holding a general treaty with the Indians, passed the fifth of the present month, be, and they are hereby repealed. Oct. 12, 1787.

*Resolved*, That the Governor of the western territory be, and he is hereby empowered, to hold a general treaty with the adjacent Indian tribes, in the ensuing spring, if, in his judgment, the public good requires it, and that he be authorized to draw for such sums of the money appropriated by the resolve of Congress of the 12th instant, as may be necessary to effect this object, not exceeding, in the whole, the sum of fourteen thousand dollars. Oct. 22, 1787.

In Congress,  
Oct. 26, 1787.

*Resolved*, That the executive, or the legislature, if they be in session, in the states of North Carolina, South Carolina, and Georgia, be, and they are hereby authorized to appoint, each of them, one commissioner; who shall, in conjunction with the superintendent of Indian affairs for the southern department, or in his absence, by themselves, negotiate a treaty for the establishing peace between the United States and the tribes of Indians in the southern department; and any two of the commissioners to be appointed as aforesaid, in conjunction with the superintendent, or in case of the absence of the superintendent, any two of the said commissioners agreeing, their decision shall be final and conclusive; and that the said commissioners shall each be allowed five dollars a day, for the time they shall be employed in that business, in full for their services and expenses, exclusive of their expenses at the place or places where the treaties shall be held.

That the sum of six thousand dollars, being a part of the sum appropriated by the resolution of the twelfth of the present month, for holding Indian treaties, in addition to the goods in the hands of the former commissioners for holding a treaty with the southern Indians, be applied to holding the said treaty, at such time and such places as shall be appointed by the superintendent of Indian affairs for the southern department, in conjunction with the executive of the state of North Carolina, for the treaty with the Cherokees, and with the executive of Georgia, for that with the Creek nation; or, in case of the absence of the superintendent, then the time and place to be appointed by the executive of each state, in manner aforesaid. The aforesaid sum to be in full for all charges, of whatsoever nature they may be, relative to the said treaty, including the pay of the commissioners and militia: and that the states of North Carolina, South Carolina, and Georgia, be called on to furnish the aforesaid sum, in equal proportions, to be credited on requisitions of Congress.

That the commissioners aforesaid be, and they hereby are authorized, to apply to the states of North Carolina, South Carolina, and Georgia, for any number of men, not exceeding one hundred of their militia, for the purpose of guarding and protecting the stores and goods necessary for carrying on the said treaty.

*Resolved*, That if, under the authority given the 22d day of the present month, to the Governor of the territory of the United States northwest of the river Ohio, he shall think it expedient to hold a treaty with the Indian tribes in the northern department, he shall apply to the commanding officer of the troops of the United States, for such a number of men as

He may deem proper for guarding and protecting the stores and goods necessary for holding the said treaty; and the commanding officer of the troops of the United States shall cause the said number of men to be marched to such place, and at such time, as shall be directed by the Governor. In Congress,  
Oct. 26, 1786.

Whereas it is represented to Congress, by the delegates of the state of Georgia, that the principal parts of the frontiers of that state have been for several years past invaded, and kept in a state of alarm by the Creek Indians: that the fighting men of that nation, supposed to amount to not less than six thousand, have been so far instigated by refugees and fugitive traders, who had formerly escaped from the states and taken refuge among them, as to keep up constant and bloody incursions on the different parts of that frontier, and that the settlements of four of the exterior counties are almost entirely broken up: July 15, 1786.

*Resolved*, That the superintendent and commissioners for the southern department be instructed, if they shall find it necessary, to notify to the said Indians, that should they persist in refusing to enter into a treaty upon reasonable terms, the arms of the United States shall be called forth for the protection of that frontier.

*Ordered*, That the secretary of war, report to Congress a plan for carrying into effect the purposes specified in the preceding resolve, as nearly as may be, upon the principles of the resolution of the 21st of July last, for the protection of the frontiers of Pennsylvania and Virginia.

#### A Proclamation.

Whereas the United States in Congress assembled, by their commissioners duly appointed and authorized, did, on the twenty-eighth day of November, one thousand seven hundred and eighty-five, at Hopewell, on the Keowee, conclude articles of a treaty with all the Cherokees, and among other things stipulated and engaged by article fourth, "that the boundary allotted to the Cherokees for their hunting grounds, between the said Indians and the citizens of the United States, within the limits of the United States of America, is and shall be the following, viz: Beginning at the mouth of Duck river on the Tennessee; thence running north-east to the ridge dividing the waters running into Cumberland from those running into the Tennessee; thence eastwardly along the said ridge, to a north-east line to be run, which shall strike the river Cumberland forty-five miles above Nashville; thence along the said line to the river; thence up the said river to Sept. 1, 1786.

In Congress,  
Sept. 1. 1768.

the ford, where the Kentucky road crosses the river; thence, to Campbell's line, near Cumberland Gap; thence to the mouth of Claud's creek on Holston; thence to the Chimney-top mountain; thence to Camp creek, near the mouth of Big Limestone, on Nolichucky; thence a southerly course, six miles to a mountain; thence south to the North Carolina line; thence to the South Carolina Indian boundary, and along the same southwest, over the top of the Oconee mountain, till it shall strike Tugalo river; thence a direct line to the top of the Currahee mountain; thence to the head of the south fork of the Oconee river." And by article fifth, that "if any citizen of the United States, or other person, not being an Indian, should attempt to settle on any of the lands westward or southward of the said boundary, which were allotted to the Indians for their hunting grounds, or having settled previously to concluding the said treaty, and not removing from the same within six months after the ratification of the said treaty, such person should forfeit the protection of the United States, and that the Indians might punish him, or not, as they please; provided, that the said fifth article should not extend to the people settled between the fork of French Broad and Holston rivers, whose particular situation should be transmitted to the United States in Congress assembled, for their decision thereon, which the Indians agreed to abide by." And whereas it has been represented to Congress, that several disorderly persons settled on the frontiers of North Carolina, in the vicinity of Chota, have, in open violation of the said treaty, made intrusions upon the said Indian hunting grounds, and committed many unprovoked outrages upon the said Cherokees, who, by the said treaty, have put themselves under the protection of the United States, which proceedings are highly injurious and disrespectful to the authority of the union, and it being the firm determination of Congress to protect the said Cherokees in their rights, according to the true intent and meaning of the said treaty; the United States in Congress assembled have therefore thought fit to issue, and they do hereby issue, this their proclamation, strictly forbidding all such unwarrantable intrusions, and hostile proceedings against the said Cherokees; and enjoining all those who have settled upon the said hunting grounds of the said Cherokees, to depart, with their families and effects, without loss of time, as they shall answer their disobedience to the injunctions and prohibitions expressed in this resolution at their peril: provided, that this proclamation shall not be construed as requiring the removal of the people settled between the fork of French Broad and Holston rivers,

referred to in the said treaty: provided, also, that nothing contained in this proclamation shall be considered as affecting the territorial claims of the state of North Carolina. Done, &c.

*Resolved,* That the secretary of war be, and he is hereby directed, to have a sufficient number of the troops in the service of the United States, in readiness to march from the Ohio, to the protection of the Cherokees, whenever Congress shall direct the same; and that he take measures for obtaining information of the best routes for troops to march from the Ohio to Chota; and for dispersing among all the white inhabitants settled upon, or in the vicinity of, the hunting grounds secured to the Cherokees, by the treaty concluded between them and the United States, November 28, 1785, the proclamation of Congress of this date.





# LAWS OF THE UNITED STATES, RELATING TO INDIANS AND INDIAN AFFAIRS.

An act to make provision relative to rations for Indians, and to their visits to the seat of Government.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the President of the United States shall be and hereby is, authorized and empowered to cause such rations as he shall judge proper, and as can be spared from the army provisions without injury to the service, to be issued, under such regulations as he shall think fit to establish, to Indians who may visit the military posts of the United States on the frontiers, or within their respective nations.

President authorized to cause rations to be issued to Indians.

SEC. 2. *And be it further enacted,* That the President of the United States shall be, and hereby is, further authorized and empowered to cause to be defrayed, on the part of the United States, the reasonable expenses of such Indians as may from time to time, visit the seat of Government thereof, for their journeys to, stay at, and return from the same; and also to cause to be given to such Indians, during their stay as aforesaid, such presents as he shall judge necessary.

The President authorized to pay expenses of visits of Indians.

SEC. 3. *And be it further enacted,* That a separate account of all rations issued, and expenses defrayed, as aforesaid, and of the expenditures occasioned by such presents, as aforesaid, shall be kept at the Department of War.

A separate account of rations, &c. to be kept.

*Approved, May 13th, 1800.*

An act to regulate trade and intercourse with the Indian tribes, and to preserve peace on the frontiers.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the following boundary line, established by treaty between the United States and various Indian tribes, shall be clearly ascertained, and distinctly marked in all such places as the President of the United States shall deem necessary, and in such manner as he shall direct, to wit: Beginning at the mouth of the Cayahoga river, on lake Erie, and running thence, up the same, to the portage between that and the Tuscaroras branch of the Muskingum; thence down that branch to the crossing place above Fort Lawrence; thence,

Boundary line between the United States and various Indian tribes.

westwardly to a fork of that branch of the Great Miami river running into the Ohio; at or near which fork stood Laromie's store, and where commences the portage, between the Miami of the Ohio and St. Mary's river, which is a branch of the Miami, which runs into Lake Erie; thence a westwardly course to Fort Recovery, which stands on a branch of the Wabash; thence southwestwardly, in a direct line to the Ohio, so as to intersect that river opposite the mouth of Kentucky or Cuttawba river;\* thence, down the said river Ohio, to the tract of one hundred and fifty thousand acres, near the rapids of the Ohio, which has been assigned to General Clarke, for the use of himself and his warriors; thence around the said tract, on the line of the said tract, till it shall again intersect the said river Ohio; thence down the same, to a point opposite the high lands, or ridge between the mouth of the Cumberland and Tennessee rivers; thence, southeastwardly, on the said ridge, to a point from whence a southwest line will strike the mouth of Duck river;† thence, still eastwardly, on the said ridge, to a point forty miles above Nashville; thence, northeast to Cumberland river; thence up the said river, to where the Kentucky road crosses the same; thence, to the Cumberland mountain, at the point of Campbell's line; thence, in a southwestwardly direction, along the foot of the Cumberland mountain, to Emory's river; thence, down the same, to its junction with the river Clinch; thence, down the river Clinch to Hawkins's line; thence, along the same to a white oak, marked one mile tree; thence south fifty-one degrees west, three hundred and twenty-eight chains, to a large ash tree on the bank of the river Tennessee, one mile below Southwest Point; thence, up the northeast margin of the river Tennessee (not including islands,) to the Wild Cat Rock, below Tellico block house; thence, in a direct line, to the Militia Spring, near the Maryville road leading from Tellico; thence, from the said Spring, to the Chilhowee mountain, by a line so to be run as will leave all the farms on Nine Mile Creek to the northward and eastward of it, and to be continued, along the Chilhowee mountain until it strikes Hawkin's line; thence, along the said line, to the great Iron mountain, and from the top of which a line to be continued, in a south-eastwardly course, to where the most southern branch of Little river crosses the divisional line to Tugaloo river;‡ thence, along the South Carolina Indian boundary, to and over the Ocunna mountain, in a southwest course, to Tugaloo river; thence, in a direct line, to the top of Currahee mountain, where the Creek line passes it; thence, to the head or source

\* See the treaty of Greenville, of the 3d Aug. 1795.

† See the treaty with the Chickasaws of 10th Jan. 1786.

‡ See the treaty of 2d October, 1798, with the Cherokeeas.

of the main south branch of the Oconee river, called the Apalachee; thence, down the middle of the said main south branch and river Oconee, to its confluence with Oakmulgee, which forms the river Altamaha; thence, down the middle of the said Altamaha, to the old line on the said river; and thence along the said old line, to the river St. Mary's: \* *Provided always*, That if the boundary line between the said Indian tribes and the United States, shall, at any time hereafter, be varied, by any treaty which shall be made between the said Indian tribes and the United States, then all the provisions contained in this act shall be construed to apply to the said line so to be varied, in the same manner as said provisions apply, by force of this act, to the boundary line herein before recited.

\* See the treaty of New York with the Creeks, of 7th Aug. 1790.

SEC. 2. *And be it further enacted*, That if any citizen of, or other person resident in, the United States, or either of the territorial districts of the United States, shall cross over, or go within, the said boundary line, to hunt, or in any wise destroy the game; or shall drive, or otherwise convey, any stock of horses or cattle, to range on any lands allotted or secured, by treaty with the United States, to any Indian tribes, he shall forfeit a sum not exceeding one hundred dollars, or be imprisoned not exceeding six months.

Fine or imprisonment, for crossing the boundary line to hunt.

SEC. 3. *And be it further enacted*, That if any such citizen, or other person, shall go into any country which is allotted or secured, by treaty, as aforesaid, to any of the Indian tribes south of the river Ohio, without a passport first had and obtained from the Governor of some one of the United States, or the officer of the troops of the United States commanding at the nearest post on the frontiers, or such other person as the President of the United States may, from time to time, authorize to grant the same, shall forfeit a sum not exceeding fifty dollars, or be imprisoned not exceeding three months.

Fine or imprisonment for going into the Indian country &c.

SEC. 4. *And be it further enacted*, That if any such citizen, or other person, shall go into any town, settlement or territory, belonging, or secured, by treaty with the United States, to any nation or tribe of Indians, and shall there commit robbery, larceny, trespass or other crime, against the person or property of any friendly Indian or Indians, which would be punishable, if committed within the jurisdiction of any state against a citizen of the United States; or, unauthorized by law, and with a hostile intention, shall be found on any Indian land, such offender shall forfeit a sum not exceeding one hundred dollars, and be imprisoned not exceeding twelve months; and shall also, when property is taken or de-

Fine and imprisonment for committing robbery, larceny, &c. in Indian settlements.

When property is taken or destroyed,

the offender  
forfeits twice  
the value.

stroyed, forfeit and pay, to such Indian or Indians, to whom the property taken and destroyed belongs, a sum equal to twice the just value of the property so taken or destroyed: and if such offender shall be unable to pay a sum at least equal to the said just value, whatever such payment shall fall short of the said just value shall be paid out of the treasury of the United States: *Provided, nevertheless,* That no such Indian shall be entitled to any payment out of the treasury of the United States, for any such property taken or destroyed, if he, or any of the nation to which he belongs, shall have sought private revenge, or attempted to obtain satisfaction by any force or violence.

Persons mak-  
ing settle-  
ments on In-  
dian lands,  
&c.

SEC. 5. *And be it further enacted,* That if any such citizen or other person, shall make a settlement on any lands belonging, or secured, or granted, by treaty with the United States, to any Indian tribe, or shall survey, or attempt to survey, such lands, or designate any of the boundaries, by marking trees, or otherwise, such offender shall forfeit a sum not exceeding one thousand dollars, and suffer imprisonment, not exceeding twelve months. And it shall, moreover, be lawful for the President of the United States to take such measures, and to employ such military force, as he may judge necessary; to remove from lands, belonging, or secured by treaty, as aforesaid, to any Indian tribe, any such citizen, or other person, who has made, or shall hereafter make, or attempt to make, a settlement thereon.

The president  
may employ  
the military  
force to re-  
move, &c.

Death, for go-  
ing into Indian  
settlements  
and commit-  
ting murder.

SEC. 6. *And be it further enacted,* That if any such citizen, or other person, shall go into any town, settlement, or territory, belonging to any nation or tribe of Indians, and shall there commit murder, by killing any Indian or Indians, belonging to any nation or tribe of Indians in amity with the United States, such offender, on being thereof convicted, shall suffer death.

No person to  
reside at In-  
dian towns,  
&c.

SEC. 7. *And be it further enacted,* That no such citizen, or other person, shall be permitted to reside at any of the towns or hunting camps, of any of the Indian tribes, as a trader, without a license under the hand and seal of the superintendent of the department, or of such other person as the President of the United States shall authorize to grant licenses for that purpose: which superintendent, or person authorized, shall on application, issue such license, for a term not exceeding two years, to such trader, who shall enter into bond, with one or more sureties, approved of by the superintendent, or person issuing such license or by the President of the United States, in the penal sum of one thousand dollars, conditioned

Superintend-  
ent, &c to is-  
sue license,  
not exceeding  
two years.

for the true and faithful observance of such regulations and restrictions as are, or shall be, made for the government of trade and intercourse with the Indian tribes: And the superintendent, or person issuing such license, shall have full power and authority to recall the same, if the person so licensed, shall transgress any of the regulations or restrictions provided for the government of trade and intercourse with the Indian tribes; and shall put in suit such bonds as he may have taken, on the breach of any condition therein contained.

Persons issuing licenses may recall them.

SEC. 8. *And be it further enacted*, That any such citizen, or other person, who shall attempt to reside in any town or hunting camp, of any of the Indian tribes, as a trader, without such license, shall forfeit all the merchandize offered for sale to the Indians, or found in his possession, and shall, moreover, be liable to a fine, not exceeding one hundred dollars, and to imprisonment, not exceeding thirty days.

Forfeiture, fine and imprisonment.

SEC. 9. *And be it further enacted*, That if any such citizen, or other person, shall purchase or receive, of any Indian, in the way of trade or barter, a gun, or other article commonly used in hunting, any instrument of husbandry, or cooking utensil, of the kind usually obtained by the Indians, in their intercourse with white people, or any article of clothing, excepting skins or furs, he shall forfeit a sum not exceeding fifty dollars, and be imprisoned not exceeding thirty days.

Fine and imprisonment for receiving guns, &c.

SEC. 10. *And be it further enacted*, That no such citizen, or other person, shall be permitted to purchase any horse of an Indian, or of any white man in the Indian territory, without special license for that purpose; which license the superintendent, or such other person as the President shall appoint, is hereby authorized to grant, on the same terms, conditions, and restrictions, as other licenses are to be granted under this act: and any such person, who shall purchase a horse or horses, under such license, before he exposes such horse or horses for sale, and within fifteen days after they have been brought out of the Indian country, shall make a particular return to the superintendent, or other person, from whom he obtained his license, of every horse purchased by him, as aforesaid: describing such horses, by their colour, height, and other natural or artificial marks, under the penalty contained in their respective bonds. And every such person, purchasing a horse or horses, as aforesaid, in the Indian country, without a special license, shall, for every horse thus purchased, and brought into any settlement of citizens of the United States, forfeit a sum not exceeding one hundred dollars, and be imprisoned not exceeding thirty days. And every

No person to purchase horses of Indians &c. without a license.

Particular return before sale, of horses brought out of the Indian country, &c.

Fine and imprisonment, for purchasing horses in the Indian country.

Forfeit of the person who shall purchase a horse, knowing him to be brought value for pu- out of the Indian territory, by any person or persons not chasing horses licensed. as above, to purchase the same, shall forfeit the va- brought &c. lue of such horse.

Persons grant- ing licenses, to have no inter- est in the In- dian trade. SEC. 11. *And be it further enacted,* That no agent, super- intendent, or other person, authorized to grant a license to trade, or purchase horses, shall have any interest or concern in any trade with the Indians, or in the purchase or sale of any horse to, or from, any Indian, excepting for and on account of the United States: And any person offending herein, shall forfeit a sum not exceeding one thousand dollars, and be imprisoned not exceeding twelve months.

No purchase or grants of Indian lands valid, &c.

SEC. 12. *And be it further enacted,* That no purchase, grant, lease, or other conveyance, of lands, or of any title or claim thereto, from any Indian, or nation, or tribe of Indians, within the bounds of the United States, shall be of any validity, in law or equity, unless the same be made by treaty or convention, entered into pursuant to the constitution: And it shall be a misdemeanor in any person, not employed under the authority of the United States, to negotiate such treaty or convention, directly or indirectly, to treat with any such Indian nation or tribe of Indians, for the title or purchase of any lands by them held or claimed, punishable by fine, not exceeding one thousand dollars, and imprisonment, not exceeding twelve months: *Provided, nevertheless,* That it shall be lawful for the agent or agents of any state, who may be present at any treaty held with Indians under the authority of the United States, in the presence and with the approbation of the commissioner or commissioners of the United States, appointed to hold the same, to propose to, and adjust with, the Indians, the compensation to be made for their claims to lands within such state which shall be extinguished by the treaty.

Fine and im- prisonment for treating, &c.

SEC. 13. *And be it further enacted,* That in order to promote civilization among the friendly Indian tribes, and to secure the continuance of their friendship, it shall be lawful for the President of the United States to cause them to be furnished with useful domestic animals, and implements of hus- bandry, and with goods or money, as he shall judge proper, and to appoint such persons, from time to time, as temporary agents, to reside among the Indians, as he shall think fit: *Pro- vided,* That the whole amount of such presents, and allow- ance to such agents, shall not exceed fifteen thousand dollars per annum.

The president may furnish useful ani- mals, &c.

Proviso.

In case In- dians cross the

SEC. 14. *And be it further enacted,* That if any Indian or Indians, belonging to any tribe in amity with the United

States, shall come over or cross the said boundary line, into any state or territory inhabited by citizens of the United States, and there take, steal or destroy any horse, horses or other property, belonging to any citizen or inhabitant of the United States, or of either of the territorial districts of the United States, or shall commit any murder, violence or outrage, upon any such citizen or inhabitant, it shall be the duty of such citizen or inhabitant, his representative, attorney or agent, to make application to the superintendent, or such other person as the President of the United States shall authorize for that purpose; who, upon being furnished with the necessary documents and proofs; shall, under the direction or instruction of the President of the United States, make application to the nation or tribe, to which such Indian or Indians shall belong, for satisfaction; and if such nation or tribe shall neglect or refuse to make satisfaction, in a reasonable time, not exceeding twelve months, then it shall be the duty of such superintendent or other person authorized as aforesaid, to make return of his doings to the President of the United States, and forward to him all the documents and proofs in the case, that such further steps may be taken, as shall be proper to obtain satisfaction, for the injury: and in the mean time, in respect to the property so taken, stolen or destroyed, the United States guarantee to the party injured, an eventual indemnification: *Provided always*, That if such injured party, his representative, attorney or agent, shall, in any way, violate any of the provisions of this act, by seeking, or attempting to obtain private satisfaction or revenge, by crossing over the line, on any of the Indian lands, he shall forfeit all claim upon the United States, for such indemnification: *And provided also*, That nothing herein contained shall prevent the legal apprehension or arresting, within the limits of any state or district, of any Indian, having so offended: *And provided further*, That it shall be lawful for the President of the United States, to deduct such sum or sums, as shall be paid for the property taken, stolen or destroyed by any such Indian, out of the annual stipend, which the United States are bound to pay to the tribe, to which such Indian shall belong.

SEC. 15. *And be it further enacted*, That the superior courts in each of the said territorial districts, and the circuit courts and other courts of the United States of similar jurisdiction in criminal causes, in each district of the United States, in which any offender against this act, shall be apprehended, or agreeably to the provisions of this act, shall be brought for trial, shall have, and are hereby invested with, full power and

boundary line into the states or territories, and steal property, commit murder, &c.

The U. States guarantee indemnification.

Proviso.

Proviso.

Superior territorial courts, invested with full power to hear. &c.



In cases where the punishment is not death, &c.

authority to hear and determine all crimes, offences, and misdemeanors, against this act; such courts proceeding therein in the same manner as if such crimes, offences, and misdemeanors, had been committed within the bounds of their respective districts: And in all cases where the punishment shall not be death, the county courts of quarter sessions in the said territorial districts, and the district courts of the United States, in their respective districts, shall have, and are hereby invested with, like power to hear and determine the same, any law to the contrary notwithstanding; And in all cases where the punishment shall be death, it shall be lawful for the Governor of either of the territorial districts where the offender shall be apprehended, or into which he shall be brought for trial, to issue a commission of oyer and terminer to the superior judges of such district, who shall have full power and authority to hear and determine all such capital cases, in the same manner as the superior courts of such districts have in their ordinary sessions: and when the offender shall be apprehended, or brought for trial, into any of the United States, except Kentucky or Tennessee, it shall be lawful for the President of the United States to issue a like commission to any one or more judges of the supreme court of the United States, and the judge of the district in which such offender may have been apprehended, or shall have been brought for trial, which judges, or any two of them, shall have the same jurisdiction in such capital cases as the circuit court of such district, and shall proceed to trial and judgment in the same manner as such circuit court might or could do. And the district courts of Kentucky, Tennessee and Maine shall have jurisdiction of all crimes, offences, and misdemeanors, committed against this act, and shall proceed to trial and judgment in the same manner as the circuit courts of the United States.

In cases where the punishment is death, the Governors, &c.

When the offender is brought, &c.

The district courts of Kentucky, Tennessee, and Maine, to have jurisdiction.

The military force may apprehend persons.

Proviso.

Officers and soldiers to

SEC. 16. *And be it further enacted*, That it shall be lawful for the military force of the United States, to apprehend every person who shall or may be found in the Indian country, over and beyond the said boundary line between the United States and the said Indian tribes, in violation of any of the provisions or regulations of this act, and him or them immediately to convey, in the nearest convenient and safe route, to the civil authority of the United States, in some one of the three next adjoining states or districts, to be proceeded against in due course of law: *Provided*, That no person apprehended by military force, as aforesaid, shall be detained longer than five days after the arrest and before removal. And all officers and soldiers who may have any such person or persons in cus-

to-day, shall treat them with all the humanity which the circumstances will possibly permit: and every officer and soldier who shall be guilty of mal-treating any such person, while in custody, shall suffer such punishment as a court martial shall direct: *Provided*, That the officer having custody of such person or persons shall, if required by such person or persons, conduct him or them to the nearest judge of the supreme or superior court of any state; who, if the offence is bailable, shall take proper bail, if offered, returnable to the district court next to be holden in said district, which bail the said judge is hereby authorized to take, and which shall be liable to be estreated, as any other recognizance for bail, in any court of the United States; and if said judge shall refuse to act, or the person or persons fail to procure satisfactory bail, then the said person or persons are to be proceeded with according to the directions of this act.

SEC. 17. *And be it further enacted*, That if any person who shall be charged with a violation of any of the provisions or regulations of this act, shall be found within any of the United States, or either of the territorial districts of the United States, such offender may be there apprehended and brought to trial; in the same manner as if such crime or offence had been committed within such state or district; and it shall be the duty of the military force of the United States, when called upon by the civil magistrate, or any proper officer, or other person duly authorized for that purpose, and having a lawful warrant, to aid and assist such magistrate, officer, or other person authorized as aforesaid, in arresting such offender, and him committing to safe custody for trial according to law.

SEC. 18. *And be it further enacted*, That the amount of fines, and duration of imprisonment, directed by this act as a punishment for the violation of any of the provisions thereof, shall be ascertained and fixed, not exceeding the limits prescribed, in the discretion of the court, before whom the trial shall be had; and that all fines and forfeitures, which shall accrue under this act, shall be one half to the use of the informant, and the other half to the use of the United States; except where the prosecution shall be first instituted on behalf of the United States, in which case the whole shall be to their use.

SEC. 19. *And be it further enacted*, That nothing in this act shall be construed to prevent any trade or intercourse with Indians living on lands surrounded by settlements of the citizens of the United States, and being within the ordinary ju-

Unmolested use of the road mentioned.

Travelling from Knoxville to Price's settlement, &c.

jurisdiction of any of the individual states: or the unmolested use of a road from Washington district to Mero district, or to prevent the citizens of Tennessee from keeping in repair the said road, under the direction or orders of the governor of said state, and of the navigation of the Tennessee river, as reserved and secured by treaty; nor shall this act be construed to prevent any person or persons travelling from Knoxville to Price's settlement, or to the settlement on Obed's river, (so called,) provided they shall travel in the trace or path which is usually travelled, and provided the Indians make no objection; but if the Indians object, the President of the United States is hereby authorized to issue a proclamation, prohibiting all travelling on said traces, or either of them, as the case may be, after which the penalties of this act shall be incurred by every person travelling or being found on said traces, or either of them, to which the prohibition may apply, within the Indian boundary, without a passport.

The President authorized to cause other, &c.

SEC. 20. *And be it further enacted*, That the President of the United States be, and he is hereby authorized to cause to be clearly ascertained and distinctly marked, in all such places as he shall deem necessary, and in such manner as he shall direct, any other boundary lines between the United States and any Indian tribe, which now are, or hereafter may be, established by treaty.

The President may take measures to restrain the vending of spirituous liquors.

SEC. 21. *And be it further enacted*, That the President of the United States be authorized to take such measures, from time to time, as to him may appear expedient, to prevent or restrain the vending or distributing of spirituous liquors among all, or any of the said Indian tribes, any thing herein contained to the contrary thereof notwithstanding.

This act to be in force from its passage.

SEC. 22. *And be it further enacted*, That this act shall be in force from the passage thereof; and so far as respects the proceedings under this act, it is to be understood, that the act, entitled "An act to amend an act, entitled an act giving effect to the laws of the United States within the district of Tennessee," is not to operate.

*Approved, March 30, 1802.*

An act for the relief of certain Alabama and Wyandot Indians.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the United State of America in Congress assembled*, That the President of United States be, and he is hereby, authorized to cause to be surveyed and designated, by

The President

proper metes and bounds, a tract of land, not exceeding two thousand five hundred acres, out of any lands of the United States lying in the territory of Orleans, and west of the river Mississippi, and by lease, vest the said tract of land in a certain tribe of Alabama Indians and their descendants, for the term of fifty years: *Provided, nevertheless,* That it shall not be lawful for the said tribe of Indians to transfer or assign their interest in the said land, and every such transfer or assignment shall be null and void: *And provided also,* That if the said tribe of Indians shall remove from the said tract of land, their interest in and to the same, shall thenceforth cease and determine.

SEC. 2. *And be it further enacted,* That there shall be designated, under the direction of the Secretary of the Treasury, two tracts of land in the Michigan territory, one including the village called Brownstown, and the other, the village called Maguaga, in possession of the Wyandot tribe of Indians, containing, in the whole, not more than five thousand acres; which two tracts of land shall be reserved for the use of the said Wyandots and their descendants, and be secured to them in the same manner, and on the same terms and conditions, as is provided in relation to the Alabama Indians, by the first section of this act.

*Approved, February 28, 1809.*

An act granting and securing to Anthony Shane, the right of the United States to a tract of land in the state of Ohio.

SEC. 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That in consideration of valuable and faithful services rendered to the United States during the present war, by Anthony Shane, a half-breed Indian, there be granted to him all the right of the United States to a tract of land, to contain three hundred and twenty acres, lying on the river St. Mary's, at a place called Shane's crossing, within the limits of the state of Ohio, but in a part thereof to which the Indian title has not yet been extinguished; the said tract to be located in a convenient form, and so as to comprehend the said Anthony Shane's improvements.

SEC. 2. *And be it further enacted,* That as soon as the Indian title to the territory, comprehending the said tract, shall be extinguished, the said three hundred and twenty acres shall be surveyed under the authority of the United States, and a patent therefor shall be granted to the said Anthony Shane, or,

authorized to cause to be surveyed a tract of land, not exceeding 2,500 acres, in the territory of Orleans, &c.

*Proviso.*

Two tracts of land to be designated in the Michigan territory, including the villages of Brownstown and Maguaga, &c.

Grant of land to Anthony Shane, a half breed.

To be surveyed as soon as the Indian title is extinguished.

if not then living, to his children and legal representatives, to hold the same to them and their heirs.

*Approved, February 24, 1815.*

An act for the relief of Young King, a chief of the Seneca tribe of Indians.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

The secretary of war to cause \$200 per annum to be paid to the Seneca chief, Young King.

That the secretary for the department of war be, and he is hereby authorized and required, to cause to be paid to Young King, a chief of the Seneca tribe of Indians, quarter-yearly, the sum of fifty dollars, amounting to the sum of two hundred dollars per annum, during the term of his natural life, as a compensation for the brave and meritorious services which he rendered the United States in the late war with Great Britain, and as a provision for the wound and disability which he received in the performance of those services.

SEC. 2. *And be it further enacted,* That the said sum be paid out of any money in the treasury not otherwise appropriated.

*Approved, April 26, 1816.*

An act supplementary to the act passed the thirteenth of March, one thousand eight hundred and two, to regulate trade and intercourse with the Indian tribes, and to preserve peace on the frontiers.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

Licenses to trade to be given only to citizens.

That licenses to trade with the Indians, within the territorial limits of the United States, shall not be granted to any but citizens of the United States, unless by the express direction of the President of the United States, and upon such terms and conditions, as the public interest may, in his opinion, require.

Forfeiture of articles carried to the Indians contrary to this act.

SEC. 2. *And be it further enacted,* That all goods, wares and merchandise, carried by a foreigner, into the lands to which the Indian title has not been extinguished, for the purpose of being used in the Indian trade; and all articles of peltry, of provisions, or of any other kind, purchased by foreigners from Indians, or tribes of Indians, contrary to the provisions of this act, shall be, and the same are hereby, forfeited; one half thereof to the use of the informer, and the remainder to the United States: *Provided,* That the goods, wares, and merchandise, are seized prior to their sale to an

Indian or Indian tribe; and the articles purchased are seized before they are removed beyond the limits of the United States.

SEC. 3. *And be it further enacted,* That if a foreigner go into any country which is allotted or secured by treaty to either of the Indian tribes, within the territorial limits of the United States, or to which the Indian title has not been extinguished, without a passport first had and obtained from the Governor of one of the states or territories of the United States, adjoining the country into which he may go, or the officer of the troops of the United States, commanding at the nearest post on the frontiers, or such other person as the President of the United States may, from time to time, authorize to grant the same, he shall, on conviction thereof, pay a fine of not less than fifty, or more than one thousand dollars; or be imprisoned not less than one month, or more than twelve months, at the discretion of the court.

Foreigners going to Indian settlements, to have passports.

SEC. 4. *And be it further enacted,* That trials for offences against this act, shall be had in the courts of the United States, of the territory in which the person accused may be arrested, or in the circuit court of the United States, of the district into which he may be first carried after his arrest.

Where trials under this act are to take place.

SEC. 5. *And be it further enacted,* That each and every person charged with a violation of the second section of this act, shall, if arrested, be indicted and tried in one of the courts aforesaid, and that the conviction of the accused, shall authorize the court to cause the goods intended to be sold to, and articles purchased from, the Indians, belonging to him, or taken in his possession, to be sold, one half to the use of the informer, and the other to the use of the United States. But if goods intended to be sold, or articles purchased from, the Indians contrary to the provisions of this act, should be seized, and the owner or person in possession of them, should make his escape, or from any other cause, cannot be brought to trial, it shall and may be lawful for the United States' attorney of the territory in which they may be seized, or the district attorney of the United States of the district into which they may have been first carried, after they are seized, to proceed against the said goods, intended to be sold to, or articles purchased from, the Indians, in the manner directed to be observed in the case of goods, wares, or merchandise, brought into the United States in violation of the revenue laws.

Violation of the 2d section.

Goods of persons violating this act, who may abscond, to be proceeded, &c

SEC. 6. *And be it further enacted,* That the President of the United States be, and he hereby is authorized, to use the military force of the United States, whenever it may be ne-

Military force of the U. S. may be used

for enforcing  
this act

necessary, to carry into effect this act, as far as it relates to seizure of goods to be sold to, or articles already purchased from, the Indians; or to the arrest of persons charged with violating its provisions.

*Approved, April 29, 1816.*

An act making provision for the location of the lands reserved by the first article of the treaty of ninth of August, one thousand eight hundred and fourteen, between the United States and the Creek nation, to certain chiefs and warriors of that nation, and for other purposes.

Chiefs and  
warriors of  
the Creek na-  
tion authoriz-  
ed to locate.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the chiefs and warriors of the Creek nation who, by virtue of the first article of the treaty of the ninth of August, one thousand eight hundred and fourteen, between the United States and that nation of Indians, are entitled to a reservation of land, which shall include their improvements, shall be authorized to locate said reservation in the following manner, viz:

Manner of lo-  
cation

Every such chief, or warrior, shall and may select such four quarter sections, or such number of quarter sections and fractional parts of sections not exceeding six hundred and forty acres of land, as have been or may be surveyed, in pursuance of the act of Congress, passed the third day of March, one thousand eight hundred and fifteen, and as shall include their respective improvements. And, in case such chief, or warrior, shall have resided at one place, and cultivated a farm or plantation at another place, he may, at his option, select such quarter sections, and fractional parts of such sections, as shall include his said separate improvements: *Provided, however,* That the lands so selected, shall enure to such chief, or warrior, so long only as he shall continue to occupy and cultivate the same; and, in case he shall not have abandoned the possession, shall, on his decease, descend to and vest in his heirs in fee simple, reserving to the widow of such chief or warrior the use and occupation of one-third part of said lands, during her natural life.

Proviso.

Widows and  
children to  
have the right  
of selection.

SEC. 2. *And be it further enacted,* That when any chief or warrior, so entitled to a reservation of land at the time of the signing of the treaty, shall have since died, and left a widow and child or children, who has or have continued to occupy and cultivate the said land, they shall have the right of selection in the same manner as the original claimant would have, if he were living; and the title of the lands, so select-

ed, shall be a fee simple title in the child or children, reserving to the widow, if any, the use and occupation of one-third of the land during her life; *Provided, however,* That the said child or children shall not have the power to alienate the said lands, except by devise, until each and every one of them shall have arrived at the age of twenty five years. Proviso.

SEC. 3. *And be it further enacted,* That the descendant of any native Creek Indian, male or female, who, at the commencement of the late war with the hostile Creeks, occupied and cultivated a farm or plantation; who continued friendly to the United States during that war; and who, after the termination of hostilities, returned to, and has continued to occupy and cultivate, the said farm or plantation, shall be entitled to a reservation of two quarter sections of land, to be selected in the manner stated in the first section of this act; which lands shall enure to them so long as they shall continue to occupy and cultivate the same; and, on their death, shall descend, in fee, to their children; and on failure of children, shall revert to the United States; reserving, however, to the husband or widow, as the case may be, the right to occupy and cultivate one-third part of the lands during their natural lives. Descendants of native Creeks who continued friendly, &c.

SEC. 4. *And be it further enacted,* That the child or children of any chief or warrior of the Creek nation, who resided within the limits of the said ceded country, at the commencement of the late Creek war, and who was killed or died in the service of the United States, during said war, or who has since died of wounds received therein, shall be entitled, without payment, to a reservation of so much land as such chief or warrior would have been entitled to, had he been living at the time said treaty was signed; which land shall be located in the manner prescribed by the first section of this act. The children of any Creek warrior who resided within the limits, &c.

SEC. 5. *And be it further enacted,* That, for the purpose of carrying into effect the provisions of this act, the agent of the United States for the Creek nation shall immediately proceed to take such evidence as each and every person, who may be entitled to lands under the provisions of it, shall be able to adduce in support of such title. The evidence shall, as far as practicable, be taken by the agent on the land occupied by such claimant; and in all cases where he shall be of opinion that the claim is a valid one, the quarter sections, including the improvements, shall be designated as provided for in the first section of this act; and the agent shall, without delay, return to the secretary of the treasury the evidence taken in each case, (reserving a copy thereof) together with the names of the claimants, and the numbers of the quarter The agent to take evidence.



sections reserved for them respectively. And the secretary of the treasury, with the approbation of the President, shall finally decide on the validity of such claim.

The agent to transmit to the register of the land office, &c.

SEC. 6. *And be it further enacted,* That the agent shall transmit, without delay, to the register of the land office for the district in which the lands may be, a statement of the names of the claimants, and the numbers of the quarter sections which have been reserved for each claimant; and the register of the land office shall not offer any such quarter section for sale, unless specially directed otherwise by the secretary of the treasury.

Three dollars per day to the agent in addition to salary.

The agent may employ a surveyor.

SEC. 7. *And be it further enacted,* That the agent of the United States shall be allowed, in addition to his salary, the sum of three dollars per day, whilst occupied in performing the duties assigned to him by this act; and he shall be authorized to employ a surveyor, in those cases where it may be necessary, for the purpose of ascertaining the quarter sections of land to be allotted to such claimant.

SEC. 8. *And be it further enacted,* That the expenses which shall be incurred in carrying into effect this act, shall be paid out of any moneys in the treasury not otherwise appropriated.

*Approved, March 3, 1817.*

An act to provide for the punishment of crimes and offences committed within the Indian boundaries.

Indians or other persons committing offences in Indian towns, &c.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That if any Indian, or other person or persons, shall, within the United States, and within any town, district, or territory, belonging to any nation or nations, tribe or tribes, of Indians, commit any crime, offence, or misdemeanor, which, if committed in any place or district of country under the sole and exclusive jurisdiction of the United States, would, by the laws of the United States, be punished with death, or any other punishment, every such offender, on being thereof convicted, shall suffer the like punishment as is provided by the laws of the United States for the like offences, if committed within any place or district of country under the sole and exclusive jurisdiction of the United States.

Superior and other courts authorized to try offences

SEC. 2. *And be it further enacted,* That the superior courts in each of the territorial districts, and the circuit courts and other courts of the United States, of similar jurisdiction in criminal causes, in each district of the United States, in

which any offender against this act shall be first apprehended or brought for trial, shall have, and are hereby invested with full power and authority to hear, try, and punish, all crimes, offences, and misdemeanors, against this act; such courts proceeding therein in the same manner as if such crimes, offences, and misdemeanors, had been committed within the bounds of their respective districts: *Provided*, That nothing in this act shall be so construed as to affect any treaty now in force between the United States and any Indian nation, or to extend to any offence committed by one Indian against another, within any Indian boundary.

**SEC. 3.** *And be it further enacted*, That the President of the United States, and the governor of each of the territorial districts, where any offender against this act shall be apprehended or brought for trial, shall have, and exercise, the same powers, for the punishment of offences against this act, as they can severally have and exercise by virtue of the fourteenth and fifteenth sections of an act, entitled "An act to regulate trade and intercourse with the Indian tribes, and to preserve peace on the frontiers," passed thirtieth March, one thousand eight hundred and two, for the punishment of offences therein described.

The President and the governors of territories invested with the same powers, &c.

*Approved, March 3, 1817.*

An act directing the manner of appointing Indian agents, and continuing the "Act for establishing trading houses with the Indian tribes."

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the superintendent of Indian trade, the agents and assistant agents of Indian trading houses, and the several agents of Indian affairs, shall be nominated by the President of the United States, and appointed by and with the advice and consent of the Senate.

Superintendent of Indian trade, agents, &c appointed by the President and Senate.

**SEC. 2.** *And be it further enacted*, That, from and after the eighteenth instant, no person shall act in either of the characters aforesaid, who shall not have been thus first nominated and appointed. And every agent as aforesaid, before he shall enter upon the duties of his office, shall give bond to the United States, with two or more sufficient securities, in the penal sum of ten thousand dollars, conditioned faithfully to perform all the duties which are or may be enjoined on them as agents as aforesaid.

After the 18th April, 1818, no person to act without the consent of the Senate.

Agents to give bonds.

**SEC. 3.** *Continues the "act for establishing trading houses with the Indian tribes," until the 1st March, 1819.*

which was afterwards further continued until the system of Indian trade was abolished by the act of May 6, 1822.

Approved, April 16, 1818.

An act fixing the compensation of Indian agents and factors.

Indian agents and factors to receive the salaries specified.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, from and after the passage of this act, Indian agents and factors shall receive the following salaries per annum, in lieu of their present compensation, to wit:

The agent to the Creek nation, one thousand eight hundred dollars.

The agent to the Chataways, one thousand eight hundred dollars.

The agent to the Cherokees on Tennessee river, one thousand three hundred dollars.

The agent to the Cherokees on the Arkansas river, one thousand five hundred dollars.

The agent to the Chickasaws, one thousand three hundred dollars.

The agent in the Illinois territory, one thousand three hundred dollars.

The agent at Prairie du Chien, one thousand two hundred dollars.

The agent at Nachitoches, one thousand two hundred dollars.

The agent at Chicago, one thousand three hundred dollars.

The agent at Green Bay, one thousand five hundred dollars.

The agent at Mackinac, one thousand four hundred dollars.

The agent at Vincennes, one thousand two hundred dollars.

The agent at fort Wayne and Piqua, one thousand two hundred dollars.

The agent to the Lakes, one thousand three hundred dollars.

The agent in the Missouri territory, one thousand two hundred dollars.

And all sub-agents, five hundred dollars per annum.

SEC. 2. *And be it further enacted*, That all factors shall receive one thousand three hundred dollars, and assistant factors seven hundred dollars per annum.

SEC. 3. *And be it further enacted*, That the sums hereby allowed to Indian agents and factors, shall be in full compensation for their services; and that all rations, or other allow-

The sums allowed to be in full, &c.

ances, made to them, shall be deducted from the sums hereby allowed.

*Approved, April 20, 1818.*

An act authorizing the President of the United States to purchase the lands reserved by the act of the third of March, eighteen hundred and seventeen, to certain chiefs, warrior, or other Indians of the Creek nation.

*Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled,* That it shall be lawful for the President of the United States to purchase for, and on behalf of the United States, any tract or tracts of land, reserved by the act of the third day of March, eighteen hundred and seventeen, to the chiefs, warriors, or other Indians of the Creek nation, which they, or either of them, may be disposed to sell; and the amount of such purchase shall be paid out of any money in the treasury not otherwise appropriated.

The President may purchase land reserved, by act of 5d March, 1817.

SEC. 2. *And be it further enacted,* That any tract or tracts of land, the title to which may be acquired by the United States, by virtue of this act, shall be offered at public sale, at the land offices of the district in which they may be situated, upon such day or days as the President shall, by proclamation, designate for that purpose, in the same manner, and on the same conditions and terms of credit, as are provided by law for the sale of public lands of the United States; and patents shall be granted therefor, as for other public lands and town lots sold by the United States.

Lands to be offered for sale.

*Approved, February 20, 1819.*

An act supplementary to the act, entitled "An to provide for the prompt settlement of public accounts.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That from and after the third day of March next, it shall be the duty of the second auditor of the treasury, to receive all unsettled accounts arising out of Indian affairs, with the exception of those appertaining to Indian trade, and examine the same, and thereafter certify the balance, and transmit the accounts, with the vouchers and certificates, to the second comptroller, for his decision thereon: *Provided,* That if, in the opinion of the President of the United States, the public interest and convenience would be promoted by assigning all, or any part of, the said accounts to the third auditor,

The 2d auditor to receive unsettled accounts of Indian affairs, except, &c.

Provide.

he shall be, and hereby is, authorized to make such assignment accordingly.

Duty of the auditor charged with the examination of the accounts

SEC. 2. *And be it further enacted*, That it shall be the duty of the auditor charged with the examination of the accounts, as aforesaid, to keep all accounts of the receipts and expenditures of the public money in regard to them; to receive from the second comptroller the accounts which shall have been finally adjusted, and to preserve such accounts, with the vouchers and certificates. And it shall be the duty of the said auditor to make such reports on the business hereby assigned to him, as the Secretary of War may deem necessary, and require, from time to time, for the service of the War Department.

The treasurer to disburse moneys for Indian department, &c.

SEC. 3. *And be it further enacted*, That the Treasurer of the United States shall disburse all such moneys as shall have been previously ordered for the use of the Indian Department, with the exception of those relating to Indian trade beforementioned, by warrants from the treasury; which disbursements shall be made pursuant to warrants drawn by the Secretary of War, and countersigned by the second comptroller, and registered by the second and third auditor, as the case may be.

SEC. 4. *And be it further enacted*, That so much of the act to which this is a supplement, as is inconsistent with this act, be, and the same is hereby repealed.

*Approved, February 24, 1819.*

An act making provision for the civilization of the Indian tribes adjoining the frontier settlements.

The President authorized to employ capable persons to instruct Indians in agriculture, and to teach, &c

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That, for the purpose of providing against the further decline and final extinction of the Indian tribes, adjoining to the frontier settlements of the United States, and for introducing among them the habits and arts of civilization, the President of the United States shall be, and he is hereby, authorized, in every case where he shall judge improvement in the habits and conditions of such Indians practicable, and that the means of instruction can be introduced with their own consent, to employ capable persons, of good moral character, to instruct them in the mode of agriculture suited to their situation; and for teaching their children in reading, writing, and arithmetic, and for performing such other duties as may be enjoined, according to such instructions and rules

as the President may give and prescribe for the regulation of their conduct, in the discharge of their duties.

SEC. 2. *And be it further enacted*, That the annual sum of ten thousand dollars be, and the same is hereby, appropriated for the purpose of carrying into effect the provisions of this act; and an account of the expenditure of the money, and proceedings in execution of the foregoing provisions, shall be laid annually before Congress.

Annual appropriation.

*Approved, March 3, 1819.*

An act making appropriations to carry into effect treaties concluded with several Indian tribes therein mentioned.

*The 1st, 2d, 3d, 4th, 5th, 6th, and 7th sections make the necessary appropriations; to carry into effect the several Indian treaties specified.*

SEC. 8. *And be it further enacted*, That there be appointed, agreeably to the ninth article of the treaty concluded with the Wyandot, Seneca, Delaware, Shawanee, Pattawatima, Ottawa, and Chippewa tribes of Indians, on the twenty-ninth day of September, one thousand eight hundred and seventeen, an agent to reside among or near the Wyandots, who shall also execute the duties of agent for the Senecas, and the Delawares on the Sandusky river; and an agent to reside among or near the Shawanees; who shall each receive twelve hundred dollars per annum, as a full compensation for their services.

An agent to the Wyandots, &c.

An agent to the Shawanees.

*Approved, March 3, 1819.*

An act to continue in force, for a further term, the act, entitled "An act for establishing trading houses with the Indian tribes," and for other purposes.

SEC. 1. *Continues the act referred to in the title, until the 1st of March, 1820.*

SEC. 2. *And be it further enacted*, That the President of the United States shall have power, and he is hereby authorized, in every case where he shall judge it expedient, to transfer any of the Indian agents, whose compensation was fixed by the act, entitled "An act fixing the compensation of Indian agents and factors," from the places designated by the said act, for the discharge of their duties, respectively, to such other places as the public service may require; and shall also have power to appoint, by and with the consent and advice of the Senate, an Indian agent for the Upper Missouri, whose annual compensation shall be one thousand eight hundred dollars.

The President may transfer Indian agents.

*Approved, March 3, 1819.*

An act to abolish the United States' trading establishment with the Indian tribes.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

Indian trading houses to be closed, and the accounts to be settled.

That the President of the United States shall be, and hereby is, authorized and required to cause the business of the United States' trading houses among the Indian tribes to be closed, and the accounts of the superintendent of Indian trade, and of the factors and sub-factors, to be settled; and, for that purpose, the President is hereby authorized to select from among the Indian agents, or others, a competent number of fit and suitable persons, to be and appear at the office of Indian trade in Georgetown, in the District of Columbia, and at each of the trading houses established among Indian tribes, on or before the third day of June next, or as soon thereafter as can be conveniently done, to demand and receive of and from the superintendent of Indian trade, and of the respective factors and sub-factors, all the goods, wares, merchandise, furs, peltries, evidences of debt, and property and effects of every kind, which may be in their power or possession, by virtue of their respective offices, and justly due and belonging to the United States; and the said agents, selected for the purpose aforesaid, shall be furnished with the copies of the latest quarterly returns of the said superintendent, factors, and sub-factors, as rendered by them to the treasury department, and copies of any other papers in the said department which will shew what is, or ought to be, due and coming to the United States, from the said office of Indian trade in Georgetown, and from each of the trading houses established among Indians. And the persons so selected shall enter into bond, with good and sufficient security in such sums as may be required by the President of the United States, for the faithful discharge of the duties enjoined on them by the provisions of this act. And, from and after the third day of June next, the act of the second of March, one thousand eight hundred and eleven, entitled "An act for establishing trading houses with Indian tribes," shall be continued in force for the purposes only of enforcing all bonds, debts, contracts, demands and rights, which may have arisen, and all penalties and punishments which may have been, or may be, incurred under the provisions of the said act, and for the settlement of the accounts of the superintendent, factors, and sub-factors, at the Treasury Department.

Agents to receive the goods, furs, peltries, evidences of &c

Agents to be furnished with documents from the Treasury Department.

The agents to enter into bond with security.

After 3d June, 1822, the act of 2d March, 1811.

Sec. 2. *And be it further enacted,* That the goods, wares, and merchandise, which shall be delivered over to the agents

of the United States, under the provisions of this act, shall be placed at the disposition of the President of the United States, subject, under his orders, towards satisfying or extinguishing the treaty obligations on the part of the United States, to keep up trading houses with the Indians; also, towards the payment of annuities due, or to become due, to Indian tribes; also, in making the customary presents to tribes or individuals in amity with the United States; and the surplus, if any, may be sold to the best advantage, under the orders of the President, and the proceeds paid over to the treasury of the United States.

SEC. 3. *And be it further enacted*, That the furs, peltries, effects, and property, received under the first section of this act, shall be sold in the manner the President may direct; the debt due and owing shall be collected under his orders; and all the money received from these sources, and all that shall be received from the superintendent of Indian trade, and from the factors, and sub-factors, shall be paid over, as fast as received, into the treasury of the United States; *Provided*, that such sums may be retained and applied, under the orders of the President of the United States, as may be necessary to defray the expenses of carrying this act into effect:

SEC. 4. *And be it further enacted*, That, as soon as may be after the commencement of the next session of Congress, the President of the United States shall communicate to Congress the manner in which he shall have caused this act to be executed, shewing the amount of moneys, furs, peltries, and other effects, and the amount and description of goods, wares, and merchandise, and the actual cash value thereof, received from the superintendent of Indian trade, and each of the factors and sub-factors, under the provisions of this act.

*Approved, May 6, 1822.*

An act to amend an act, entitled "An act to regulate trade and intercourse with the Indian tribes, and to preserve peace on the frontiers," approved thirtieth March, one thousand eight hundred and two.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the seventh section of the act, entitled "An act to regulate trade and intercourse with the Indian tribes and to preserve peace on the frontiers," shall be, and the same is hereby, repealed; and from and after the passing of this act, it shall be lawful for the superintendents of Indian affairs in the territories, and Indian agents, under the direction of the Pre-

ferred over to the agents, placed at the disposition of the President.

The surplus, if any, to be sold to the best advantage.

Furs, &c. to be sold as the President may direct.

Proviso.

The President to communicate, at the next session of Congress.

The 7th section of the act of 30th March 1802, repealed.

Superintendents and agents



agents may grant licenses. Licenses to be granted only to citizens. Licenses for 7 years for trade. Abstract of licenses to be laid before Congress.

resident of the United States, to grant licenses to trade with Indian tribes; which licenses shall be granted to citizens of the United States, and to none others, taking from them bonds with securities, in the penal sum not exceeding five thousand dollars, proportioned to the capital employed, and conditioned for the due observance of the laws regulating trade and intercourse with the Indian tribes; and said licenses may be granted for a term not exceeding seven years for the trade with the remote tribes of Indians beyond the Mississippi, and two years for the trade with all the other tribes. And the superintendents and agents shall return to the Secretary of War, within each year, an abstract of all licenses granted, shewing by and to whom, when, and where, granted, with the amount of the bonds and capital employed, to be laid before Congress, at the next session thereof.

Indian agents to cause the stores, &c. of traders to be searched for ardent spirits. If ardent spirits are found, the goods are forfeited.

SEC. 2. *And be it further enacted*, That it shall and may be lawful for the President of the United States, in execution of the power vested in him by the twenty-first section of the act of thirtieth of March, one thousand eight hundred and two, aforesaid, to which this is an amendment, to direct Indian agents, governors of territories acting as superintendents of Indian affairs, and military officers, to cause the stores and packages of goods of all traders to be searched, upon suspicion or information that ardent spirits are carried into the Indian countries by said traders in violation of the said twenty-first section of the act to which this is an amendment; and if any ardent spirits shall be so found, all the goods of the said traders shall be forfeited, one half to the use of the informer, the other half to the use of the government, his license cancelled and bond put in suit.

All purchases of annuities to be made by agents and governors of territories, acting, &c. Persons trusted with the disbursement of money.

SEC. 3. *And be it further enacted*, That all purchases for and on account of Indians, for annuities, presents, and otherwise, shall be made by the Indian agents and governors of territories acting as superintendents, within their respective districts; and all persons whatsoever, charged or trusted with the disbursement or application of money, goods, or effects, of any kind, for the benefit of Indians, shall settle their accounts annually, at the War Department, on the first day of September; and copies of the same shall be laid before Congress at the commencement of the ensuing session, by the proper accounting officer, together with the list of the names of all persons to whom money, goods, or effects, had been delivered within the said year, for the benefit of the Indians, specifying the amount and object for which it was intended.

and shewing who are delinquent, if any, in forwarding their accounts according to the provisions of this act. Accounts to be laid before Congress, &c.

SEC. 4. *And be it further enacted,* That in all trials about the right of property, in which Indians shall be party on one side and white persons on the other, the burthen of proof shall rest upon the white person, in every case in which the Indian shall make out a presumption of title in himself from the fact of previous possession and ownership. In trials about the right of property, &c.

SEC. 5. *And be it further enacted,* That it shall and may be lawful for the President of the United States, from time to time, to require additional security, and in larger amounts, from all persons charged or trusted, under the laws of the United States, with the disbursement or application of money, goods or effects, of any kind, for the benefit of the Indians. The President may require additional security.

SEC. 6. *And be it further enacted,* That the President of the United States, by and with the advice and consent of the Senate, may appoint a superintendent of Indian affairs; to reside at St. Louis, whose powers shall extend to all Indians frequenting that place, whose salary shall be fifteen hundred dollars per annum: and one agent for the tribes within the limits of East and West Florida, with a salary of fifteen hundred dollars. Superintendent at St. Louis, at 1500 dolls. per ann. Agent in East and West Florida, at 1500 dollars.

*Approved, May 6, 1822.*

An act concerning the disbursement of public money.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That from and after the passing of this act, no advance of public money shall be made in any case whatever; but in all cases of contracts for the performance of any service, or the delivery of articles of any description, for the use of the United States, payment shall not exceed the value of the services rendered, or of the articles delivered previously to such payment: *Provided,* That it shall be lawful, under the special direction of the President of the United States, to make such advances to the disbursing officers of the government, as may be necessary to the faithful and prompt discharge of their respective duties, and to the fulfilment of the public engagements: *And provided, also,* That the President of the United States may direct such advances, as he may deem necessary and proper, to such persons in the military and naval service as may be employed on distant stations, where the discharge of the pay and emoluments to which they may be entitled, cannot be regularly effected. No advance to be made. Proviso. Proviso.

Officers, &c.  
to account  
quarterly.

SEC. 2. *And be it further enacted*, That every officer or agent of the United States, who shall receive public money which he is not authorized to retain, as salary, pay, or emolument, shall render his accounts quarter-yearly to the proper accounting officer of the treasury, with the vouchers necessary to the correct and prompt settlement thereof, within three months, at least, after the expiration of each successive quarter, if resident within the United States; and within six months if resident in a foreign country: *Provided*, That nothing herein contained shall be construed to restrain the secretaries of any of the departments from requiring such returns from any officer or agent, subject to the control of such secretaries, as the public interest may require.

Proviso.

Officers, &c.  
offending  
against the  
preceding  
sections.

SEC. 3. *And be it further enacted*, That every officer or agent of the United States, who shall offend against the provisions of the preceding sections, shall, by the officer charged with the direction of the department to which such offending officer is responsible, be promptly reported to the President of the United States, and dismissed from the public service: *Provided*, That in all cases, where any officer, in default as aforesaid, shall account to the satisfaction of the President for such default, he may be continued in office, any thing in the foregoing provision to the contrary notwithstanding.

No security  
given to, or  
obligation en-  
tered into  
with, &c.

SEC. 4. *And be it further enacted*, That no security given to, or obligation entered into with, the government, shall be in any wise impaired, by the dismissing any officer, or from failure of the President to dismiss any officer coming under the provisions of this act.

*Approved, January 31, 1823.*

An act providing for the appointment of an agent for the Osage Indians, west of the state of Missouri, and territory of Arkansas, and for other purposes.

An agent to  
the Osage In-  
dians

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the President of the United States be, and he is hereby authorized to appoint an agent for the Osage Indians, west of the state of Missouri and territory of Arkansas; who shall receive for his compensation the sum of fifteen hundred dollars, in full, and that all rations or other allowances made to him, shall be deducted from the sum hereby allowed.

Indian agents  
to keep their  
agencies in or

SEC. 2. *And be it further enacted*, That it shall be the duty of each Indian agent, to reside and keep his agency within, or near the territory, claimed by the tribe or tribes of In-

dians for which he may be agent, at such place as the President of the United States may designate. near the tribe, &c,

*Approved, May 18, 1824.*

An act to enable the President to hold treaties with certain Indian tribes, and for other purposes.

SEC. 1. *Appropriates \$10,000 for making treaties of trade and friendship with the Indian tribes beyond the Mississippi.* Object for which the appropriation was made, &c.

SEC. 2. *Authorizes the appointment of commissioners to hold said treaties.*

SEC. 3. *And be it further enacted,* That the President shall be, and hereby is, authorized to appoint two sub-agents to be employed among the Indian tribes, on the waters of the Upper Missouri, whose annual salary shall be eight hundred dollars each, to be paid out of any money in the treasury not otherwise appropriated. Two sub-agents to be employed.

SEC. 4. *And be it further enacted,* That it shall be the duty of Indian agents to designate, from time to time, certain convenient and suitable places for carrying on trade with the different Indian tribes, and to require all traders to trade at the places thus designated, and at no other place or places. Indian agents to designate places for carrying on trade.

SEC. 5. *And be it further enacted,* That the superintendent of Indian affairs at St. Louis, and his successors in office, shall possess all the powers, and be subject to all the duties of governors of territories, when exercising the office of superintendents of Indian affairs, and shall exercise a general supervision of the official conduct and accounts of Indian agents, within his superintendency. Superintendent of Indian affairs at St. Louis.

SEC. 6. *Appropriates \$10,000 for a military escort, to attend the commissioners to be appointed under the 2d section of this act.*

*Approved, May 25, 1824.*

An act providing for the disposition of three several tracts of lands in Tuscarawas county, in the state of Ohio, and for other purposes.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the three several tracts of land, lying in the county of Tuscarawas, in the state of Ohio, lately retroceded to the United States by the society of United Brethren, for propagating the gospel among the heathen, shall be surveyed and laid off into such lots, having regard to the existing sur- Three tracts of land in the county of Tuscarawas, Ohio, to be surveyed.

Proviso.

veys and improvements thereon, as will best conduce to the sale thereof: *Provided*, That the lots and tracts which the United States are bound to convey to the said society, shall be laid off according to the contract for retrocession: *And provided, also*, That a suitable number of in-lots and out-lots, in the town of Gnadenhutzen, shall be laid off for said town, embracing the improved part thereof, and the fields adjoining, now occupied by the inhabitants, which shall be platted and numbered, and a copy recorded in said county, according to the laws of Ohio.

An agent to be appointed to reside near said land—du-ty, &c.

SEC. 2. *And be it further enacted*, That the secretary of the treasury shall be, and is hereby, authorized to appoint an agent, who shall reside near the said land, whose duty it shall be to superintend and direct the survey of said land and lots; to receive and pay over to the treasury the rents due, and to become due, on said lands; to take possession of such parts of said lands as may be forfeited by the tenants, by reason of non-performance of the covenants in their leases, to ascertain the actual cash value of each of the lots and town lots, with the improvements thereon, and, also, the value of each, subject to the conditions of the lease outstanding on it, by the aid of two disinterested appraisers, to be selected by the secretary of the treasury, to ascertain the award to be made to Isaac Simmers, Jesse Walton, Barzillia Walton, Jesse Hill, and Boaz Walton, according to their leases; to receive a surrender of such of the leases outstanding on such lands, as the holders thereof may be disposed to make, who have, or shall first comply with the conditions of their leases, up to the time of the surrender; to superintend the sale of said lands and lots, and to transfer to the purchasers who shall buy any of said land or lots, subject to the leases thereon, the lease of the lot or land so bought; and to do whatever else may be necessary to effect a speedy and advantageous disposition of said lands and lots.

A right of pre-emption to be allowed John Andreas, and others.

SEC. 3. *And be it further enacted*, That a right of pre-emption shall be allowed to John Andreas, John Neigamen, Jacob Winsh, and Catharine Tshudy, at the real cash value of the lots occupied by them, according to the stipulations of the said agreement for retrocession, and to any of the lessees, for any lot embracing their lease; and also, to the said society of United Brethren, for any of the remaining lots, or town lots, to an amount not exceeding the amount stipulated to be paid to them by the United States: *Provided*, That any of the persons entitled to pre-emption, who shall be desirous to avail themselves of such right, shall give notice to the said agent of

Proviso.

such their intention, before the cash value of the lots is ascertained; and, in the case of the lessees, shall, at or before the time of giving such notice, pay all arrears of rent, and surrender their leases; and shall, immediately after the said cash value is ascertained, be entitled to a patent for the lot or land to which they are entitled, as aforesaid, on paying the amount of such cash value; or, in the case of the society, on their executing, and delivering to said agent a discharge to the United States, for so much as said lot or land, whereto a pre-emption is claimed, shall amount to, on account of any sum to become due them by reason of the stipulations in said retrocession; and no right to such pre-emption shall be considered as extending beyond the time of commencing the sale of said lands, as hereinafter directed.

SEC. 4. *And be it further enacted,* That the secretary of the treasury may cause to be designated and allowed for public use, the usual ground for streets and alleys in said town, for public ground, and for schools; and may, moreover, cause to be designated and set apart, one lot in each of said tracts, not exceeding one thirty-sixth part of each, the title whereof shall be vested in the legislature of the state of Ohio, and held in trust for the use of schools, in the same manner as other lands granted by the United States for the use of schools, are held in that state.

SEC. 5. *And be it further enacted,* That immediately after the said surveys shall be completed, the cash value ascertained, and the school lands designated, the said agent shall give notice, by advertisement in one newspaper in Washington city, and one in Steubenville, one in Zaneville, and one in New Philadelphia, Ohio, of the time, not less than sixty days from the first publication, when he will offer the said lands and lots for sale, at public vendue, at the court-house in New Philadelphia, aforesaid; and shall, at such time and place, proceed to offer for sale, to the highest bidder, any of said lands or lots, remaining undisposed of, in the manner hereinbefore provided for; and none of said lots, or land, shall be put up at a less sum than the actual cash value ascertained as aforesaid; and in case any of said lessees shall have failed, or refused to surrender their leases, the sale shall be made subject to those leases; and each purchaser who may purchase at such sale, shall immediately pay to the said agent the amount of his purchase, and take his receipt for the amount specifying the lot or land purchased; upon which the purchaser shall be entitled to a patent as other purchasers of public lands are: but in case any purchaser shall fail to make his payment

The usual ground for streets and alleys in said town, to be allowed for public use.

Agent shall give notice through certain newspapers.

as aforesaid, at or before the close of the sale, he shall be considered as having forfeited his purchase, and the land struck off to him shall be again offered for sale, in the same manner as if it had never been struck off; and the said agent, immediately after the close of such sale, shall pay over the money received at such sale, and for rent, to the United States, and report all his proceedings to the general land office; and the President shall be, and he is hereby, authorized, whenever the boundaries of the several lots stipulated to be conveyed to the said society shall be ascertained, to issue patents therefor to said society.

Said agent to take an oath and give security

Proviso.

SEC. 6. *And be it further enacted,* That the agent herein provided for, shall take an oath of office, and give bond and security, in such sum and form as the secretary of the treasury may direct, and be allowed and paid for his services a salary at the rate of six hundred dollars per annum: *Provided,* That said office shall not continue longer than is necessary to perform the duties herein required, and not longer than one year; and said salary, together with the incidental expenses attending the said survey and sale, shall be charged to the fund to be raised by the sale of said lots and land. The said appraisers shall be allowed the sum of two dollars for each day actually employed in the appraisement aforesaid, and neither the said agent or appraisers shall be at liberty to purchase any of the said lands or lots.

Any land or lots remaining unsold at public auction, shall be subject to entry and sale, at the land office in Zanesville.

SEC. 7. *And be it further enacted,* That, if any such land or lots remain unsold at public auction, as aforesaid, the same shall be subject to entry and sale at the land office in Zanesville, in Ohio, at the actual cash price, ascertained as aforesaid, in the same manner that other lands of the United States are authorized to be entered; and it shall be the duty of the accounting officers of the treasury department to keep a separate account of the proceeds of the lots and lands aforesaid, and of all moneys received and disbursed on account thereof; and, after the expenses of survey and sale of said lots and land shall be re-imbursed, it shall be the duty of the secretary of the treasury to pay to the said society the sums stipulated to be paid them, and for which they shall not have taken lands and lots as hereinbefore provided for; to pay to the said Simners, Hill, and Waltons, the sums awarded to them; and then to credit the residue of the proceeds of said lots and lands, as they shall be received, to the fund for raising the annuity for the Christian Indians, so called, in the manner stipulated in the agreement entered into with them on

Annuity for Christian Indians.

the eighth of November, one thousand eight hundred and twenty-three.

SEC. 8. *And be it further enacted*, That, whenever the said Christian Indians shall notify the President of the United States that they wish to remove from their present residence, on the river Thames, into the territory of the United States, it shall be lawful for the President to designate a reservation of not less than twenty-four thousand acres of land, to be held by the said Indians in the usual manner of Indian reservations, so long as they shall live thereon; and from the time said Indians shall remove on to said reservation, the said annuity shall cease.

Course to be pursued by the president in case the Christian Indians wish to remove from their residence on the river Thames.

*Approved, May 26, 1824.*

An act reserving to the Wyandot Indians a certain tract of land, in lieu of a reservation made to them by treaty.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

That there be, and hereby is reserved, for the use of the chiefs and tribe of Wyandot Indians, subject to the conditions and limitations of the former reservation, the northeast quarter of section numbered two, in township two, and range seventeen, south of the base line of land, in the Delaware land district, in the state of Ohio, in lieu of one hundred and sixty acres of land, on the west side of, and adjoining, the Sandusky river; and which was reserved to said tribe of Indians, by a supplementary treaty between the United States and certain tribes of Indians, held at St. Mary's, in the state of Ohio, on the seventeenth day of September, eighteen hundred and eighteen; on condition that the chiefs of said Wyandot tribe first relinquish to the United States all the right, title, and claim, of said tribe, to the one hundred and sixty acres of land reserved by the said supplementary treaty.

The north quarter section numbered 2, in township 2, and range 17, in the Delaware land district, Ohio, reserved for the use of the Wyandot Indians.

*Approved, May 26, 1824.*

An act to authorize the President of the United States to cause a road to be marked out from the western frontier of Missouri, to the confines of New Mexico.

*Be it enacted by the Senate and House of Representatives of the United State of America in Congress assembled,*

That the President of the United States be, and he hereby is, authorized to appoint commissioners to mark out a road from the western frontier of the state of Missouri, to the

The president of the U. S., to appoint commissioners



to mark a road, &c.

boundary line of the United States, in the direction of Santa Fe, of New Mexico: *Provided*, That the said commissioners shall first obtain the consent of the intervening tribes of Indians, by treaty, to the marking of the said road, and to the unmolested use thereof to the citizens of the United States, and of the Mexican Republic.

Continuation of said road.

SEC. 2. *And be it further enacted*, That the President of the United States be, and he hereby is, authorized to cause the marking of the said road to be continued from the boundary line of the United States to the frontier of New Mexico, under such regulations as may be agreed upon for that purpose between the executive of the United States, and the Mexican government.

\$10,000 appropriated to defray the expenses of said road; and \$20,000 to treat with the Indians

SEC. 3. *And be it further enacted*, That the sum of ten thousand dollars be, and the same hereby is, appropriated, to defray the expenses of marking the said road; and the further sum of twenty thousand dollars, to defray the expenses of treating with the Indians, for their consent to the establishment and use thereof; the said sums to be paid out of any money in the treasury not otherwise appropriated.

*Approved, March 3, 1825.*

An act supplementary to "an act providing for the disposition of three several tracts of land in Tuscarawas county, in the state of Ohio, and for other purposes," passed the twenty-sixth day of May, one thousand eight hundred and twenty-four.

Measures to carry into effect the act referred to.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the secretary of the treasury be, and he is hereby, authorized to adopt such measures as, in his judgment, the interest of the United States, and the parties concerned, may require, for the purpose of carrying into full and complete effect the provisions of the act to which this is a supplement, and the intentions of Congress, as expressed in said act.

*Approved, May 20, 1826.*

An act to enable the President to hold treaties with certain Indian tribes.

\$15,000 appropriated to hold, &c.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the sum of fifteen thousand dollars, to be paid out of any money in the treasury, not otherwise appropriated, shall be, and the same hereby is, appropriated, to defray the ex

pense of holding treaties with the Miami and Pottawattami tribes of Indians, and any other tribes claiming lands, in the state of Indiana.

*Approved, May 20, 1826.*

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An act to enable the President of the United States to hold a treaty with the Choctaw and Chickasaw nations of Indians.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the sum of twenty thousand dollars be, and the same is hereby, appropriated to defray the expenses of treating with the Choctaw and Chickasaw nations of Indians for the purpose of extinguishing their titles to lands within the limits of the state of Mississippi. The said sum to be paid out of any money in the treasury not otherwise appropriated.

\$20,000 appropriated to hold treaties, &c.

SEC. 2. *And be it further enacted,* That, for the purpose of negotiating said treaty on the part of the United States, the President shall be, and he hereby, is authorized to appoint commissioners after the adjournment of the present session of Congress, or at an earlier period, if practicable, and to fix their compensation, so as not to exceed what has been heretofore allowed for like services.

President to appoint commissioners.

*Approved, May 20, 1826.*

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An act making appropriations to defray the expense of negotiating and carrying into effect certain Indian treaties.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the following sums be, and the same are hereby appropriated out of any money in the treasury not otherwise appropriated, for the objects hereinafter mentioned, that is to say:

Appropriations to carry into effect Indian treaties.

To carry into effect sundry stipulation of treaties with the Cherokees, Creeks, Socks, and Foxes, Ioways, Quapaws, and Choctaws, namely:

For payment of the annuity provided for by the second article of the Cherokee treaty, of twenty-fourth October, eighteen hundred and four, annually, forever, one thousand dollars.

Annuity to Cherokees.

For payment of the fifth and last instalment, due in the present year, on the claims of the citizens of Georgia, against the Creek nation, under the fourth article of the treaty with said nation, of the eighth January, eighteen hundred and twenty-one, twenty-three thousand dollars.

Claims of citizens of Georgia against Creeks;

- Annuity of Socks.** For the annuity of the Sock and Fox Indians, provided for by the third article of the treaty with them of fourth August, eighteen hundred and twenty-four, annually for nine years, one thousand dollars.
- Annuity of the Ioways.** For the annuity of the Ioways, provided for by the second article of the treaty with them, of fourth August, eighteen hundred and twenty-four, annually, for nine years, five hundred dollars.
- Blacksmiths, &c. for Socks, Foxes and Ioways.** For the expense, annually, of supporting blacksmiths, furnishing farming utensils and cattle, and employing persons to aid the Socks and Foxes and Ioways, in agriculture, as provided for by the fourth and fifth articles of the aforesaid treaties with them, three thousand dollars.
- Annuity to Quapaws.** For the annuity of the Quapaws, provided for by the second article of the treaty with them, of fifteenth November, eighteen hundred and twenty-four, annually, for ten years, one thousand dollars.
- Annuities to Choctaws.** For the annuities provided for by the second and third articles of the treaty of twentieth January, eighteen hundred and twenty-five, with the Choctaw nation, (six thousand dollars annually, for fifteen years, and six thousand dollars, annually, forever,) and by the tenth article of said treaty, of one hundred and fifty dollars, for Robert Cole, a Choctaw Chief, during life, twelve thousand one hundred and fifty dollars.
- Annuity to the Chickasaws under the several treaties.** For the payment of the annuity due to the Chickasaw nation, for the year eighteen hundred and twenty-one, under the several treaties with them, which has remained unpaid in consequence of the delinquency of the late agent, Robert C. Nicholas, and against whom suit has been instituted for the recovery of the amount, thirty five thousand one hundred dollars.
- Osage and Kansas treaties.** To carry into effect the treaties with the Osages, of the second, and with the Kansas, of the third June, eighteen hundred and twenty-five, namely:—
- For surveying the lands reserved to said Indians by said treaties, ten thousand dollars.
- Annuities to Osages and Kansas.** For the payment of the annuities to the Osage and Kansas Indians, as provided for by the third article of said treaties, of seven hundred dollars in lieu of all former annuities, to the former, and three thousand five hundred dollars to the latter, annually, for twenty years, ten thousand five hundred dollars.
- Cattle, hogs, &c. for said Indians.** For the purchase of cattle, hogs, and other domestic animals, and articles, as stipulated for by the fourth articles of said treaties, including the expense of transportation and de-

livery of the same, fourteen thousand seven hundred and fifty dollars.

For the expense of building four houses for Osage chiefs, as stipulated for by the said fourth article of the treaty with them, and one for the principal Kansas chief, (as estimated for by General Clark,) ten thousand dollars. Houses for chiefs.

For carrying into effect the provisions of the aforesaid treaties, relative to agents, blacksmiths, agriculturists, and other persons to be employed for the benefit of said Indians, including the expense of erecting the necessary buildings for the accommodation of such persons, for tools, and all other expenses connected with said provisions, fourteen thousand one hundred and fifty dollars. Blacksmiths and others for the Osages and Kansas.

For payment of the debts due by the Kansas Indians to Francis G. Chouteau and by the Osages to Augustus P. Chouteau, Paul Baillio, and William S. Williams, as provided for by the eighth and thirteenth articles of said treaties, two thousand dollars. Debts due by said Indians.

For payment of claims of citizens for depredations committed by the Kansas and Osage Indians, as provided for by the seventh and ninth articles of the aforesaid treaties, eight thousand dollars. Claims of citizens against Indians.

For expenses incurred under the ninth article of the treaty with the Kansas, and eighth and twelfth articles of the treaty with the Osages, and all other expenses attending the negotiation of said treaties, eighteen thousand three hundred and six dollars and seventy cents. Expense of treaties with said Indians.

To carry into effect the treaty with the Shawanees, of seventh November, eighteen hundred and twenty-five, namely: Shawnee treaty.

For surveying the lands granted to the Shawanees, by the second article of said treaty, one thousand two hundred and fifty dollars. Surveying lands granted to Shawanees.

For the payment of the sum stipulated for, and, by same article of said treaty, for the improvements abandoned by the Indians, on the lands ceded by them, and the inconveniences of removal, fourteen thousand dollars. Improvements left by Shawanees, &c.

For payment of the claims of the Shawanees against citizens of the United States, as provided for in the fourth article of said treaty, eleven thousand dollars. Claims of Shawanees;

For carrying into effect the provision of the said fourth article, relative to a blacksmith, including the expense of tools, iron, and the erection of the necessary buildings for the blacksmith's quarters and shop, two thousand five hundred and fifty dollars. Blacksmith, iron, tools, &c.

For expenses incurred in the negotiation of said treaty, one thousand six hundred dollars.

**Stipulation of treaty of Prairie du Chien.** To carry into effect a stipulation contained in the treaty concluded at Prairie du Chien, nineteenth August last, with certain tribes of Indians, for holding two general councils with the Indians, on Lake Superior and Green Bay, (as per accompanying copy of a detailed estimate for these, and the other objects which follow, furnished by Governor Cass,) twenty-seven thousand dollars.

**Gun-smith for Miamies.** For carrying into effect the stipulation of the fifth article of the treaty with the Miamies, of sixth October, eighteen hundred and eighteen, providing for a gun-smith, the annual sum of six hundred dollars.

**Salt for Miamies.** To carry into effect the provision of the same article of said treaty, for the delivery of one hundred and sixty bushels of salt, annually, to the Miamies, the annual sum of three hundred and twenty dollars.

**Salt for Delawares, Shawanees, &c.** To carry into effect the provisions of the third article of the treaty with the Delawares, Shawanees, Pottawatimies, Miamies, Kickapoos, Eel Rivers, Weas, Piankeshaws, and Kaskaskias, of seventh June, eighteen hundred and three, for the delivery of one hundred and fifty bushels of salt, annually, to said Indians, the annual sum of three hundred dollars.

**Arrearages of salt due said Indians.** For arrearages of salt due to the Indians, under the provisions of the treaty aforesaid, six hundred and forty dollars.

**Annuity to christian Indians.** For the payment of the annuity secured to the christian Indians, so called, in consideration of the relinquishment of their title to three sections of land, in Tuscarawas county, Ohio, by the agreements entered into with Governor Cass, for that purpose, filed in the General Land Office, and by the act of Congress of twenty-sixth of May, eighteen hundred and twenty-four, (seventh section,) the annual sum of four hundred dollars.

*approved, May 20, 1826.*

An act to aid certain Indians of the Creek nation, in their removal to the west of the Mississippi.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the United States will give to each warrior of the nation of Creek Indians, who shall, at any time within two years, remove to the west of the Mississippi, according to article six, in the treaty made and concluded at Washington city, on the 24th day of January, one thousand eight hundred

**Warriors of the Creek nation who shall remove west Mississippi, under 6th art treaty of 24th**

and twenty-six, between the United States and the Creek Indians, one rifle gun and ammunition, a butcher knife, one blanket, one brass kettle, and one beaver trap; and shall further aid them with provisions on the way, and with transportation across the Mississippi river, and other streams; and furnish them with provisions for their support for one year after their arrival in the country which may be set apart for them, to the westward of the territory of Arkansas or state of Missouri; and the United States will pay to all such emigrants, the actual value of all the improvements left by them, and which are of a nature to add to the real value of the land, which is to be ascertained by a commissioner appointed by the President of the United States for that purpose, and paid for as soon as practicable after the passage of this act, not exceeding twenty thousand dollars.

Jan. 1836, to be provided, &c.

Value of improvements left by emigrants, to be ascertained.

SEC. 2. *And be it further enacted*, That the agent to be appointed to accompany and reside with the aforesaid emigrating Creeks, according to article eight of the treaty last abovementioned, shall receive an annual salary of fifteen hundred dollars.

Agent to be appointed under 8th art. of the treaty.

SEC. 3. *And be it further enacted*, That there shall be delivered to the said agent, in each and every year, a fair and full proportion of all the annuities heretofore stipulated to be paid to the Creek Indians, according to the number of emigrants who may remove; and to enable the government to divide the annuities fairly, the agents shall make annual returns of the whole number of such emigrants; and the amount to be paid, under the ninth article of the treaty aforesaid, may be extended to any number of emigrants over and above three thousand persons.

Annuities to be divided in fair proportion.

SEC. 4. *And be it further enacted*, That for the purpose of making known the beneficial objects of the government, and for carrying into effect the objects of this act, the agent to be appointed to reside with the emigrating Creeks, shall have full liberty, for the space of two years, to go among the Indians of the Creek nation, and explain to them the policy of the government, and to give to such individuals, families, and parties, as may determine, from time to time, all the aids which are contemplated by this act; and shall designate a proper place at which the emigrants may cross the Mississippi river; and shall establish *depots* of provisions at one or more places, under the care of suitable persons, to support them on their march.

Agent for the emigrating Creeks, to go into the Creek nation for two years.

Places for crossing the Mississippi to be designated.

SEC. 5. *And be it further enacted*, That the sum of sixty thousand dollars, to be paid out of any money in the treasury

\$60,000 appropriated for

the objects of this act. not otherwise appropriated, shall be, and the same is hereby, appropriated, to defray the expense of carrying this act into effect.

*Approved, May 20, 1826.*

An act making appropriations to carry into effect the treaty concluded between the United States and the Creek nation, ratified the twenty-second of April, eighteen hundred and twenty-six.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the following sums be, and the same are hereby, appropriated, out of any money not otherwise appropriated, to carry into effect the treaty concluded between the United States and the Creek nation, on the twenty-fourth of January, eighteen hundred and twenty-six, and ratified on the twenty-second of April, eighteen hundred and twenty-six, that is to say: For the payment of the sum to the chiefs and warriors of the Creek nation, stipulated in the third article of the said treaty, in addition to an unexpended balance of one hundred and seventy thousand dollars, appropriated by the act of the third of March, eighteen hundred and twenty-five, and which is hereby directed to be used for the purpose of this act, forty-seven thousand six hundred dollars, both of which sums shall be paid to the chiefs of the Creek nation, to be divided among the chiefs and warriors of said nation, and that the same be done under the direction of the secretary of war, in a full council of the nation convened upon notice for that purpose.

\$170,000 of former appropriation to be applied to this object, and \$47,600 appropriated.

\$20,000 for annuity.

For the payment of the permanent annuity to the Creek nation, provided for by the fourth article of the said treaty, the sum of twenty thousand dollars.

\$100,000 to the friends, &c of Gen. McIntosh.

For the payment of the sum to the friends and followers of General M'Intosh, stipulated for in the ninth article of the said treaty, one hundred thousand dollars.

\$20,000 to the Creek nation.

For the payment of the sum to the Creek nation, stipulated for by the supplemental article to the said treaty, thirty thousand dollars.

\$13,000 for the faithful execution of all other provisions.

For carrying into effect the stipulations of the sixth, seventh, eighth, tenth, eleventh, and sixteenth articles, and to defray all other expenses attending the faithful execution of the provisions of said treaty, one hundred and twenty thousand dollars.

*Approved, May 22, 1826.*

APPENDIX:

An act for the relief of Florida Indians.

*Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled,* That the sum of twenty thousand dollars be, and the same is hereby, appropriated out of any money in the treasury, not otherwise appropriated, to be expended under the directions of the President, in affording sustenance to the suffering Florida Indians. \$20,000 appropriated for their relief.

*Approved, May 22, 1826.*

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An act to provide for an exchange of lands with the Indians residing in any of the states or territories, and for their removal west of the river Mississippi.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That it shall and may be lawful for the President of the United States, to cause so much of any territory belonging to the United States, west of the river Mississippi, not included in any state or organized territory, and to which the Indian title has been extinguished, as he may judge necessary, to be divided into a suitable number of districts, for the reception of such tribes or nations of Indians as may choose to exchange the lands where they now reside, and remove there; and to cause each of said districts to be so described by natural or artificial marks, as to be easily distinguished from every other. Districts to be laid off.

**SEC. 2** *And be it further enacted,* That it shall and may be lawful for the President to exchange any or all of such districts, so to be laid off and described, with any tribe or nation of Indians now residing within the limits of any of the states or territories, and with which the United States have existing treaties, for the whole or any part or portion of the territory claimed and occupied by such tribe or nation, within the bounds of any one or more of the states or territories, where the land claimed and occupied by the Indians, is owned by the United States, or the United States are bound to the state within which it lies to extinguish the Indian claim thereto. President to exchange, &c.

**SEC. 3.** *And be it further enacted,* That in the making of any such exchange or exchanges, it shall and may be lawful for the President solemnly to assure the tribe or nation with which the exchange is made, that the United States will forever secure and guaranty to them, and their heirs or successors, the country so exchanged with them; and if they prefer it, that the United States will cause a patent or grant



to be made and executed to them for the same; *Provided, always,* That such lands shall revert to the United States, if the Indians become extinct, or abandon the same.

Improvements  
to be apprais-  
ed and paid.

SEC. 4. *And be it further enacted,* That if, upon any of the lands now occupied by the Indians, and to be exchanged for, there should be such improvements as add value to the land claimed by any individual or individuals of such tribes or nations, it shall and may be lawful for the President to cause such value to be ascertained by appraisement or otherwise, and to cause such ascertained value to be paid to the person or persons rightfully claiming such improvements. And upon the payment of such valuation, the improvements so valued and paid for, shall pass to the United States, and possession shall not afterwards be permitted to any of the same tribe.

Aid in mov-  
ing, &c.

SEC. 5. *And be it further enacted,* That upon the making of any such exchange as is contemplated by this act, it shall and may be lawful for the President to cause such aid and assistance to be furnished to the emigrants as may be necessary and proper to enable them to remove to, and settle in, the country for which they may have exchanged; and also, to give them such aid and assistance as may be necessary for their support and subsistence for the first year after their removal.

Protection.

SEC. 6. *And be it further enacted,* That it shall and may be lawful for the President to cause such tribe or nation to be protected, at their new residence, against all interruption or disturbance from any other tribe or nation of Indians, or from any other person or persons whatever.

SEC. 7. *And be it further enacted,* That it shall and may be lawful for the President to have the same superintendence and care over any tribe or nation in the country to which they may remove, as contemplated by this act, that he is now authorized to have over them at their present places of residence: *Provided,* That nothing in this act contained shall be construed as authorizing or directing the violation of any existing treaty between the United States and any of the Indian tribes.

500,000 dolls.

SEC. 8. *And be it further enacted,* That for the purpose of giving effect to the provisions of this act, the sum of five hundred thousand dollars is hereby appropriated, to be paid out of any money in the treasury, not otherwise appropriated.

*Approved, May 28, 1830.*



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